



Oversight and Governance

Chief Executive's Department

Plymouth City Council

Ballard House

Plymouth PL1 3BJ

T 01752 305155

www.plymouth.gov.uk/democracy

Published 25/01/23

Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrqll6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30pm on Wednesday 01 February 2023. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decisions detailed below may be implemented after 4.30pm on Wednesday 01 February 2023, if they are not called-in. Decisions 4.1 and 5.1 may be implemented immediately.

Delegated Decisions

- 1. Councillor Rebecca Smith, Cabinet Member for Homes & Communities:**
 - 1.1. Approval of High Rise Buildings Team Policy (Pages 1 - 30)
- 2. Councillor Charlotte Carlyle, Cabinet Member for Education, Skills & Children & Young People:**
 - 2.1. School Term Dates 2024-2025 (Pages 31 - 46)
- 3. Council Officer Decision, Sharon Muldoon, Director of Children's Services:**
 - 3.1. Commissioned Placement Sufficiency Plan 2022/23 – Award of contract for Peninsula Residential Children's Homes Flexible Purchasing System (FPS) (Pages 47 - 68)
- 4. Council Officer Decision, Paul Barnard, Service Director for Strategic Planning and Infrastructure:**
 - 4.1. Woolwell to The George Transport Scheme: Phase I Enabling Works (Pages 69 - 98)
- 5. Council Officer Decision, Anthony Payne, Strategic Director for Place:**
 - 5.1. Plymouth and South Devon Community Forest – Trees for Climate Grant Payments 1.0 2022-23 Authorisation for Payments (Pages 99 - 116)

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – SPHC03 22/23

Decision	
1	Title of decision: Approval of High Rise Buildings Team Policy
2	Decision maker (Cabinet member name and portfolio title): Councillor Rebecca Smith (Cabinet Member for Homes & Communities)
3	Report author and contact details: Mark Chubb 01752 308989
4	Decision to be taken: To approve the High Rise Buildings Team Policy.
5	<p>Reasons for decision:</p> <p>There has been a significant amount of time that has passed since the Grenfell tragedy and there are still a significant amount of buildings that have unsafe-cladding on them, throughout the country and here in Plymouth. The Government has expressed, in a series of letters (see Appendix B), its continued desire for local authorities to work closely with local fire services and utilise their powers for expediting cladding remediation and improvements to fire safety, through service of notices <u>if necessary and appropriate</u>.</p> <p>For existing high-rise/higher-risk buildings the significant timescale limitations of Building Control and Planning departments' legislative enforcement powers, means that the enduring powers of the Housing Act 2004 and The Regulatory Reform (Fire Safety) Act 2005 will often be the most appropriate legislative tools for enforcement. At Plymouth we have formed a strong professional working partnership with Devon and Somerset Fire and Rescue Service to agree a joint service approach to these buildings.</p> <p>The work of the High Rise Buildings Team needs to be supported by a strong Policy and set of procedures to support a fair and consistent approach, as well as set reasonable expectations of what to expect for the end service users. The draft policy has been shared with colleagues at Plymouth City Council, Devon and Somerset Fire and Rescue Service, and national colleagues at the Local Government Association. All have responded positively and the LGA have requested it be used to share with other local authorities via a freely accessible forum, for local authorities, called Knowledge Hub.</p>

6	Alternative options considered and rejected: There are no reasonable other options available for consideration, as operating without a policy would make the organisation susceptible to legal challenges at Tribunal, in respect of formal enforcement action taken (e.g. service of formal notices, and prosecution or imposition of a financial penalty as an alternative for non-compliance with a formal notice).			
7	Financial implications: The High Rise Buildings Team received internal endorsement in May 2022 with the HRBT Manager commencing work from September 2022 to build the team. The financial costs of the team have been agreed previously and have not changed. The HRBT policy does not create any additional cost considerations.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			X	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			X	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million
			X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions	N/A		
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	<u>Corporate Plan</u> <u>Values – Fairness</u> – Introducing the HRBT policy creates a consistent approach to tackling safety concerns. Prioritisation of inspections is based on building safety information, and resulting action is determined by the findings. The policy will be accessible from our website so service users and communities can understand what to expect from the High Rise Building Team. <u>Values – Collaborative</u> – The HRBT policy demonstrates the collaborative approach, with joint authority partnership working between Plymouth City Council and Devon and Somerset Fire and Rescue Service. <u>Priorities - Caring for People and Communities</u> – Improving safety conditions in High Rise Buildings helps		

		<p>to keep children, young people and adults protected. It enables people to feel safer in their homes and also helps to reduce health inequalities across the city.</p> <p><u>Plymouth Plan for Homes 3</u> <u>Improving Housing Conditions in PRS</u> – The assessment of housing conditions and taking formal action in respect of severe hazards helps to raise the standard of accommodation. As standards improve across the city, we should see a decrease in health inequalities. Improvements to accommodation can be physical in terms of the building but can also be in the management of the property.</p>
10	Please specify any direct environmental implications of the decision (carbon impact)	<p><u>Limited to None.</u></p> <p><u>Inspections</u> do require travel but many locations are walkable and we will prioritise, wherever possible, the use of the electric pool cars. This is not seen to be an increase as we get to inspect anything up to 100+ dwellings with one property visit and element of travel. This compares favourably against standard housing inspections which consist predominantly of 1-6 dwellings per property.</p> <p><u>Paper usage</u> inspections of high-rise buildings will generate a significant amount of notes and reports. However, comparable to standard housing inspections, it is not an increase if you consider the paperwork per dwelling. Furthermore, most documentation will be stored and transferred digitally which has no effect.</p>

Urgent decisions

11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)

12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			

Consultation


I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	X	(If no go to section I4)
I3b	Which other Cabinet member's portfolio is affected by the decision?	N/A		
I3c	Date Cabinet member consulted	N/A		
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	X	
I5	Which Corporate Management Team member has been consulted?	Name	Anna Coles	
		Job title	Strategic Director for People, Strategic Co-operative Commissioning.	
		Date consulted	16 January 2023	

Sign-off

I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS92 22/23
		Finance (mandatory)	DJN.22.23.340
		Legal (mandatory)	LS/39634/HM
		Human Resources (if applicable)	N/A
		Corporate property (if applicable)	N/A
		Procurement (if applicable)	N/A

Appendices

I7	Ref.	Title of appendix
	A	Briefing report for publication (<i>mandatory</i>)
	B	HRBT Policy document
	C	Letters From Government
	D	Financial Consideration
	E	HRBT Proactive Inspection + Enforcement Processes
	F	Equalities Impact Assessment

Confidential/exempt information																							
18a	Do you need to include any confidential/exempt information?	<table border="1"> <tr> <td>Yes</td><td></td><td rowspan="2"> If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain) </td> </tr> <tr> <td>No</td><td>X</td> </tr> </table>	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)	No	X																
Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)																					
No	X																						
		<table border="1"> <tr> <th colspan="7">Exemption Paragraph Number</th> </tr> <tr> <th>1</th><th>2</th><th>3</th><th>4</th><th>5</th><th>6</th><th>7</th> </tr> </table>	Exemption Paragraph Number							1	2	3	4	5	6	7							
Exemption Paragraph Number																							
1	2	3	4	5	6	7																	
18b	Confidential/exempt briefing report title:	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>																					
Background Papers																							
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>																						
Title of background paper(s)		<table border="1"> <tr> <th colspan="7">Exemption Paragraph Number</th> </tr> <tr> <th>1</th><th>2</th><th>3</th><th>4</th><th>5</th><th>6</th><th>7</th> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	Exemption Paragraph Number							1	2	3	4	5	6	7							
Exemption Paragraph Number																							
1	2	3	4	5	6	7																	
Cabinet Member Signature																							
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act (2010) and those who do not. For further details please see the EIA attached.</p>																						
Signature		<table border="1"> <tr> <td>Date of decision</td><td>25 January 2023</td> </tr> </table>	Date of decision	25 January 2023																			
Date of decision	25 January 2023																						
Print Name	Cllr Rebecca Smith																						

This page is intentionally left blank

BRIEFING - EXECUTIVE DECISION FOR HRBT POLICY (HIGH RISE BUILDINGS TEAM)



This briefing note sets out the reasons for developing a HRBT Policy and how it will help the High Rise Buildings Team to achieve its objectives in a responsible, fair and collaborative manner.

Overview

There has been a significant amount of time that has passed since the Grenfell tragedy and there are still a significant amount of buildings that have unsafe-cladding on them, throughout the country and here in Plymouth. The Government has expressed, in a series of letters (see Appendix B), its continued desire for local authorities to work closely with local fire services and utilise their powers for expediting cladding remediation and improvements to fire safety, through service of notice if necessary and appropriate.

For existing high-rise/higher-risk buildings the significant timescale limitations of Building Control and Planning departments' legislative enforcement powers, means that the enduring powers of the Housing Act 2004 and The Regulatory Reform (Fire Safety) Act 2005 are often the most appropriate legislative tools for enforcement. At Plymouth we have formed a strong professional working partnership with Devon and Somerset Fire and Rescue Service to agree a joint service approach to these buildings.

The High Rise Buildings Team, when fully resourced will include the following personnel;

- High Rise Building Team Manager (also Environmental Health Practitioner and subject matter expert in Housing Conditions and relevant legislation inc. HA2004).
- Fire Safety Officer (subject matter expert in Fire Safety and relevant legislation inc. FSO2005).
- Building Control Officer (subject matter expert in Building Regulations and construction).
- Technical Officer (support based role for the team and training to become an Environmental Health Practitioner).

The work of the High Rise Buildings Team needs to be supported by a strong Policy and set of procedures to support a fair and consistent approach, as well as set reasonable expectations of what to expect for the end service users. The draft policy has been shared with colleagues at Plymouth City Council, Devon and Somerset Fire and Rescue Service, and national colleagues at the Local Government Association. All have responded positively and the LGA have requested it be used to share with other local authorities via a freely accessible forum, for local authorities, called Knowledge Hub.

This page is intentionally left blank

HIGH RISE BUILDING TEAM

Community Connections



Community Connections

High Rise Building Team Policy

1.0 Introduction

1.1 – The Council has a key responsibility under the Housing Act 2004 to keep the conditions of residential buildings in their area, under review. Following the Grenfell Tower tragedy in 2017, the Government's Department for Levelling Up, Housing and Communities (DLUHC, formerly MHCLG) identified that not enough progress had been made, nationally, in respect of cladding remediation. In 2021 DLUHC sent a series of communications to all local authorities and local fire rescue authority organisations across the country; reiterating their desire to expedite combustible cladding remediation on higher-risk buildings. These communications specified upcoming changes to legislation and regulation that would support future industry changes. They also included Government expectations that the local authority and local fire rescue authority organisations should utilise their current powers, under the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005, to informally or formally take actions to achieve this aim.

1.2 – S65 of the Building Safety Act 2022 defines the meaning of a “higher-risk building” as a building in England that;

- (a) is at least 18 metres in height or has at least 7 storeys, and
- (b) contains at least 2 residential units.

1.3 – Investigation work has identified that Plymouth has 73 buildings that are 18m or greater in height, with c.56 of these buildings believed to meet the criteria of the “higher-risk building” description. However, all 73 buildings will need to be reviewed to ensure that any building meeting this description is correctly identified. There will be a pro-active response to these buildings via the implementation of a ‘higher-risk building inspection programme’.

1.4 – In addition to cladding related issues connected with “higher-risk buildings”, there has also been a focus on historical building safety related defects. The Government introduced additional ‘Leaseholder Protections’ into Part 5 (S116-S125) and Schedule 8 of the Building Safety Act 2022, to provide additional protection for leaseholders from being the first port of call for associated remediation costs of a “relevant defect”, in a “relevant building”. These protections take into account relevant works that were undertaken within 30 years prior to them coming into force.

1.5 – S117 of the Building Safety Act 2022 defines the meaning of a “relevant building” as a self-contained building, or self-contained part of a building, in England that contains at least two dwellings and;

- (a) is at least 11 metres high, or
- (b) has at least 5 storeys.

1.6 – S120 of the Building Safety Act 2022 defines the meaning of a “relevant defect” as a defect as regards the building that;

- (a) arises as a result of anything done (or not done), or anything used (or not used), in connection with relevant works, and
- (b) causes a building safety risk.

1.7 – Investigation work has identified that Plymouth has c.10,000 buildings that are 11m or greater in height and may meet the criteria of the “relevant building” description. However, the High Rise Building Team priority will be the proactive response to ‘higher-risk buildings’, and will incorporate a proportionate reactive response to ‘relevant buildings’ where appropriate.

1.8 – Dame Judith Hackitt’s post-Grenfell report, ***Building a Safer Future***, identified a broken building sector culture and the ‘Race to the bottom’ with issues of; Ignorance, Indifference, Lack of clarity on roles and responsibilities, and inadequate regulatory oversight and enforcement tools, as matters that contributed to significant safety defects in these buildings.

1.9 – The formation of the High Rise Building Team as part of Community Connections at Plymouth City Council, in partnership with Devon and Somerset Fire and Rescue Service, is the joint local authority and local fire rescue authority response to improving the safety conditions of our tall buildings, and complying with the Governments directions. The team consists of specialists in Environmental Health, Fire Safety, and Building Control to ensure the requisite skills, knowledge and behaviours are present in the team to support safety improvements.

1.10 – Beyond the scope of reviewing dangerous cladding and relevant building safety defects, there will be an ongoing requirement for the local authority and local fire rescue authority to support the Building Safety Regulator to undertake their duties in accordance with Part 2 of the Building Safety Act 2022. The Building Safety Regulator has, amongst other duties, a duty to facilitate building safety in higher-risk buildings. S13 of the Building Safety Act 2022 specifies that local authorities and fire rescue authorities must support the regulator in their duties.

1.11 – This document outlines the following matters;

- Section 2: Relevant legislation that will inform the activities of the High Rise Building Team.
- Section 3: How the High Rise Building Team will approach the proactive ‘higher-risk building’ inspection programme.
- Section 4: How the High Rise Building Team will approach the local authority and fire rescue authority’s role to support the Building Safety Regulator in undertaking their duties.
- Section 5: How the High Rise Building Team will approach the reactive responses to building safety defects highlighted in ‘relevant buildings’ below 18m height.

2.0 Relevant Primary Legislation includes;

- [Housing Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/16/section/1)
- [Housing and Planning Act 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2016/16/section/1)
- [Local Government \(Miscellaneous Provisions\) Act 1976 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1976/69/section/1)
- [Building Act 1984 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1984/28/section/1)
- [Building Safety Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/26/section/1)
- [The Regulatory Reform \(Fire Safety\) Order 2005 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukreg/2005/118/section/1)
- [Fire Safety Act 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2021/17/section/1)

3.0 The 'higher-risk building' Inspection Programme

The High Rise Building Team will approach the higher-risk building inspection programme in a fair manner, based on the perceived levels of risk associated with the pre-inspection building risk assessment outcomes.

The team have processes in place to take a stage based approach to promote professional consistency, efficiency, and fairness. These stages include;

- **Stage 1 – Pre-Inspection**

A process of information gathering, completion of desktop risk assessments, and visual inspections (i.e. where further pre-inspection investigation is required). Once complete, the information gathered supports a risk assessment which places the building in a table of risk based priorities. The High Rise Building Team will take a top-down approach, based on the risk rating, when arranging inspections. The only perceived time where this approach may change is if there is an emerging risk in a higher-risk building that requires urgent focus. In these instances the HRBT Manager and Fire Safety Officer will consult to determine the necessary changes to the programme, as the primary representatives of the joint enforcement authorities.

- **Stage 2 – Inspection**

The High Rise Building Team have a standard 2-day initial inspection process to follow per higher-risk building. However, where necessary, extended inspection processes will be conducted. This will typically be in circumstances where the initial inspection has highlighted additional areas of interest, or a need to widen the number of residential units to be inspected, based on the initial inspection findings. Follow-up inspections will also be conducted to evidence the progress of works, levels of compliance with formal notices, or potentially gather evidence to support enforcement action.

- **Stage 3 – Post-Inspection**

The High Rise Building Team will review the findings, highlighting key areas of responsibility for assessment/s, and agree a plan of action for completing hazard assessments, reviewing legislation and guidance. Once the assessments are completed a decision will be taken as to which is the most appropriate legislation to utilise to tackle significant deficiencies or hazards. In accordance with the relevant legislation, the post-inspection process will fulfil the statutory duty of consultation between local authority and fire rescue authority on enforcement matters. Periodic follow-up contacts will be made in respect of the buildings, and databases will be updated with outcomes for recording, or consideration of the requirement for additional action/s to be taken.

- **Stage 4 – Enforcement**

Enforcement Actions for non-compliance, taken by the local authority, will be carefully considered in conjunction with Plymouth City Council's, Housing Improvement (Housing Standards) Policy and Civil Penalty Policy. Our relevant Housing Enforcement policies can be found [here](#). Plymouth City Council's enforcement actions will be proposed through the completion of an Enforcement Action Proposal for HRBT Manager approval. Where appropriate, legal counsel will be sought in relation to the proposed action and contact will also be made with the corporate communications teams. Any Enforcement Actions undertaken by the local fire rescue service, will be undertaken in accordance with their policies and procedures.

Enforcement actions can include;

<u>Local Authority</u>	<u>Fire Authority</u>
<p><u>Service of HA2004 Notice;</u> i.e. Improvement Notice, Prohibition Order, Hazard Awareness Notice, etc.</p> <p><u>Caution</u></p> <p><u>Prosecution;</u> with up to an unlimited fine in Magistrates' Court/Crown Court (dependent upon offence)</p> <p><u>Civil Penalty;</u> the imposition of a financial penalty as an alternative to prosecution (max £30k per offence).</p> <p><i>Prosecution Example (i.e. public information): Landlord 'PB' prosecution April 2021 (Plymouth) fined and subsequently placed on the Rogue Landlord Database for 2 Years (Sep21-Sep23).</i></p> <p><u>Rogue Landlord Database;</u> In specific circumstances the responsible person's details can be added to the database of rogue landlords and property agents. Entries must be made for a minimum of a 2 year period and are accessible by LA's.</p> <p><u>Banning Orders;</u> In relation to specific offences, an application can be made to First-tier Tribunal for the responsible person to be subjected to a Banning Order. Preventing them from letting housing, engaging in letting agency work, property management work, or hold a HMO licence. Banning Orders, if granted, will last a minimum term of 1 year but there is no restriction on the maximum term.</p>	<p><u>Service of FSO2005 Notice;</u> i.e. Prohibition Notice, Article 27 Notice, etc.</p> <p><u>Caution</u></p> <p><u>Prosecution;</u> with an unlimited fine in Magistrates' Court or Crown Court. Under the Regulatory Reform (fire safety) Order 2005 any 'indictable offence' can come with a 2 year custodial sentence.</p> <p><i>Prosecution Example (i.e. public information): 'NL' (Oxford Street) £400k in 2007 for 2 breaches;</i></p> <p><i>(1) Insufficient Staff Training</i></p> <p><i>(2) Storage blocking escape route</i></p>
<p>In respect of both authorities, any enforcement for non-compliance will have consideration of the Crown Prosecutors Code to ensure both the Evidential and Public Interest Tests are met. Both authorities may also take the following actions as they are listed as 'interested persons' under the Building Safety Act 2022.</p> <p><u>Remediation Orders</u></p> <p>As one of the listed 'interested persons', the local authority and/or fire authority can make an application to the First-tier Tribunal to require a relevant landlord to remediate relevant defects in a relevant building.</p> <p><u>Remediation Contribution Orders</u></p> <p>As one of the listed 'interested persons', the local authority and/or fire authority can make an application to the First-tier Tribunal to require a specified corporate body or partnership to make payments for the purpose of meeting costs incurred in remediating relevant defects in a relevant building.</p>	

4.0 Supporting the Building Safety Regulator

The Building Safety Regulator (BSR) is a new role brought about by the implementation of the Building Safety Act 2022 and sits in the Health and Safety Executive (HSE). The BSR has 3 main functions;

- I. Overseeing the safety and standards of all buildings,
- II. Helping and encouraging the built environment industry and building control professionals to improve their competence, and
- III. Leading implementation of the new regulatory framework for high-rise buildings.

From April 2023, the BSR is responsible for overseeing building work in existing higher-risk buildings as well as controlling the process for the development of new higher-risk buildings. To assist the BSR in their duties, they will be able to delegate key regulatory powers to the HSE, Fire Authority, and Local Authority to lead a team on higher-risk buildings. It is considered that the HRBT will be able to support the BSR in their duties and recover costs for doing so, whilst also minimising impact from this new work on our existing teams.

5.0 Reactive responses to ‘Relevant Buildings’ below 18m height.

There are c.10,000 buildings that are in Plymouth and indicated to be between 11-18m in height. The vast majority of these buildings are likely to not meet the ‘relevant building’ description as they will be commercial properties or non-self-contained buildings. However, there will be a proportion of these buildings that will meet the description of a ‘relevant building’. The most effective use of the HRBT resource is to incorporate a proportionate reactive response to buildings in this category, where a significant risk has been highlighted to the authorities. This will allow the team to prioritise a proactive response to the ‘higher-risk buildings’ in the city.

Appendix A

Below is an anonymised example of the Desktop Risk Assessment for prioritisation ahead of conducting drive-by visits for essential properties to finalise the inspection programme order by priority.

HRB Desktop Risk Assessment Calculator 2022

Assessed Building Name & Address			Date Conducted
Property Name Redacted For Appendix A			09/08/2022
Please type the building name and address in the box above			Format DD/MM/YYYY

How many storeys does the building have?	Assessed Building Score
20+	26
18 to 19	24
16 to 17	22
14 to 15	20
12 to 13	18
10 to 11	16
9	14
8	12
7	10
6	8
5	6
4	4
3	2

Please type in the adjacent box, the relative score for the number of storeys in the assessed building.

12

Is the building used for overnight accommodation?	Yes	No	Assessed Building Score
Is the building used for overnight accommodation?	10	2	10
Does the building contain 150+ units of accommodation?	20		
Does the building contain 100-149 units of accommodation?	15		
Does the building contain 80-99 units of accommodation?	8		
Does the building contain 60-79 units of accommodation?	6		
Does the building contain 40-59 units of accommodation?	4		
Does the building contain less than 40 units of accommodation?	2		

Please type in the adjacent box, the relative score for the number of units of accommodation in the assessed building.

15

Is there commercial premises incorporated within the building?	Yes	No	Assessed Building Score
Is there commercial premises incorporated within the building?	10	2	10
Leisure (i.e. Hotels, Pubs, Restaurants, Cafes etc)	30		
Industrial (i.e. Warehouses, Factories etc)	20		
Retail (i.e. Stores and Shops)	10		
Commercial Offices (24 hours)	4		
Commercial Offices (Daytime only)	2		

Please type in the adjacent box, the relative score for the type of commercial premises contained within the assessed building.

10

Does the building have potentially dangerous/combustible cladding?	Yes	No	Assessed Building Score
Does the building have potentially dangerous/combustible cladding?	10	2	10
ACM Cladding present over 50%	40		
ACM Cladding present 25% to 50%	20		
ACM Cladding present 0% to 25%	10		
Non-ACM Combustible cladding present over 50%	8		
Non-ACM Combustible cladding present 25% to 50%	4		
Non-ACM Combustible cladding present 0% to 25%	2		

Please type in the adjacent box, the relative score for the perceived cladding type and coverage on the assessed building.

4

Is there a Building Safety Fund application for the building?	Yes	No	Assessed Building Score
Is there a Building Safety Fund application for the building?	2	10	2

Please type in the adjacent box, the relative score for the assessed dwelling.

2

Research Land Registry, Council Tax & Companies House to identify the owners & developers, and answer the following questions...	Yes	No	Assessed Building Score
Does the developer still exist (i.e. the specific company/legal entity)?	2	10	10
Does the developer have a history of building issues (i.e. known to the authorities for this)?	10	2	10
Does the developer have significant financial resources (i.e. companies house information for company or group)?	2	10	10
Does the owner still exist (i.e. not an absent freeholder)?	2	10	2
Does the owner have a history of building issues (i.e. known to the authorities for this)?	10	2	2
Does the owner have significant financial resources (i.e. companies house information for owner or associates)?	2	10	2

Please type in the adjacent boxes, the relative scores relative to the research findings for these questions in connection with the assessed building.

2

Desktop Risk Assessment Score Total	109
-------------------------------------	-----

APPENDIX C
Letters from Government

Government Communications

Each of the letters referred to in the below points are presented on the following pages for your review, if required.

1. 17th September 2021 letter from Alistair Watters (Director, Building Remediation and Grenfell) for MHCLG to CEO Tracey Lee. In this letter it states that *“the Secretary of State asked us all, in his letter to local authority leaders last month, to redouble efforts to finish the job of removing unsafe cladding where it is necessary and proportionate to do so to achieve an acceptable level of fire safety for residents.”*
2. 28th October 2021 letter from Richard Goodman (Director General, Safer and Greener Buildings) for DLUHC to CEO Tracey Lee. In this letter it states that *“Too many building owners are still not taking their responsibilities seriously enough and are responding too slowly, or not at all. The Government wants to see better, faster action from the building owners and we expect this data to help you to understand, manage and prioritise the risks to residents in your area, and to assist you to target informal action, or the use of the Housing Act 2004, to expedite cladding remediation.”*
3. 28th January 2022 letter from Alistair Watters (Director, Building Remediation and Grenfell) for DLUHC to CEO Tracey Lee. In this letter it states that *“Engagement with local authorities and work to target enforcement action against buildings with unsafe cladding remain key priorities for the Department.”*
4. 4th April 2022 letter from Alistair Watters (Director, Building Remediation and Grenfell) for DLUHC to CEO Tracey Lee. In this letter it states that *“Engagement with local authorities and work to target buildings with unsafe cladding that are making the least progress, remain key priorities for the Department.”*
5. 22nd June 2022 letter from Alistair Watters (Director, Building Remediation and Grenfell) for DLUHC to CEO Tracey Lee. In this letter it states that *“Your action to help resolve these in a timely manner is now more important than ever. At the five-year anniversary of the Grenfell tragedy protecting leaseholders and ensuring rapid remediation is a priority we must share.”*



Ministry of Housing,
Communities &
Local Government

Alistair Watters
Director, Building Remediation and Grenfell

Ministry for Housing, Communities and Local
Government
Fry Building
2 Marsham Street
London
SW1P 4DF

Alistair.Watters@communities.gov.uk

17 September 2021

To: Tracey Lee,

Ensuring safety in higher risk buildings: Building Safety Fund data

It is now more than four years since the fire at Grenfell Tower. The Government is determined to learn the lessons from the tragedy and to work with local partners to ensure that it could never happen again.

I am writing to provide you with updated information about buildings in your area which are registered for the Building Safety Fund, a scheme to pay for the remediation of unsafe non-ACM cladding systems on high-rise private and social sector residential buildings. These are buildings that we know to be higher risk if a fire spreads and therefore the Government has provided funding to ensure the remediation work is completed.

I would like to thank you for your continued efforts to make safe buildings with unsafe cladding. Significant progress has been made to remediate 'Grenfell type' ACM cladding. Over 95% of such buildings identified at the beginning of last year have been fully remediated or have workers on site. This progress would not have been possible without the contribution of local authorities.

We have forecasted, however, that works of some form will be supported by the Building Safety Fund on over 1,000 high-rise buildings. Given this scale, the Secretary of State asked us all, in his letter to local authority leaders last month, to redouble efforts to finish the job of removing unsafe cladding where it is necessary and proportionate to do so to achieve an acceptable level of fire safety for residents. This will require joint work between the Government and local regulators to accelerate the pace of remediation.

We will give you regular updates on buildings registered for the Building Safety Fund. This will help you to understand, manage and prioritise the risks in your area, drawing also on data you have gathered since 2019 on external wall systems. This will support the delivery of your duties under the Housing Act 2004 to keep under review the conditions of residential buildings in your area. It will also assist you to expedite remediation of buildings with unsafe non-ACM cladding by escalating and taking enforcement action where needed. This includes collaborating with your local fire and rescue service as part of a shared, multi-disciplinary regulatory approach.

Local authority and fire and rescue services have enforcement powers which can and have been used against unsafe cladding. Where building owners fail to take swift action

despite the support we have provided, the Government backs your regular consideration of prompt and robust enforcement measures to spur those responsible to act without delay. Thus far, we are aware of 25 local authorities that have used their powers to take enforcement action against those responsible for high-rise buildings with unsafe cladding. Members of my team and I continue to be available to discuss enforcement, including support from the Joint Inspection Team.

To date, the Joint Inspection Team has supported 15 local authorities in inspecting buildings and taking enforcement action against those responsible for buildings with unsafe cladding. The Team is now also focusing on building greater capability within local authorities to take enforcement action, delivering free training sessions for environmental health officers as well as producing written materials and hosting an advice line. The Team remains available to support local authorities in undertaking inspections, and its remit now covers any type of unsafe cladding on high-rise residential buildings. The Joint Inspection Team can be contacted at JIT@local.gov.uk.

In February, the Secretary of State for Housing, Communities and Local Government announced that further funding would be made available to pay for the replacement of unsafe cladding systems in high-rise residential buildings in England. All eligible applications currently made to the Building Safety Fund will proceed. For any buildings that have missed the original registration deadline we will be reopening for registrations in the Autumn.

For the residents and leaseholders of high-rise blocks that are yet to be remediated, we must make progress swiftly. I look forward to working together to achieve our joint goal. If you have any queries or would like a meeting to discuss the contents of this letter please contact me, or my team at lowercaseworkteam@communities.gov.uk.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alistair Watters'.

Alistair Watters
Director, Building Remediation and Grenfell



Department for Levelling Up,
Housing & Communities

Richard Goodman
Director General, Safer and Greener Buildings

**Department for Levelling Up,
Housing and Communities**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Richard.Goodman@communities.gov.uk

28 October 2021

Dear Colleague, Tracey Lee

Ensuring resident safety in higher risk buildings: Building Safety Fund data

Thank you for your continued work with fire and rescue services, the Department, and others to make sure that high-rise buildings are safe for those who live in them. The Government is committed to supporting the collective effort to finish the job of removing unsafe cladding, where it is necessary and proportionate to do so.

The passage of the Fire Safety Act 2021 put beyond doubt that fire and rescue services can use their enforcement powers against buildings with unsafe cladding. Nevertheless, your authority retains a key responsibility under the Housing Act 2004 to keep under review the conditions of residential buildings in your area. The Act presents an opportunity to deepen the strategic and operational local partnerships with fire and rescue services. It has been encouraging to see examples of local regulators sharing information, developing local enforcement strategies, and collaboratively considering their approach to buildings.

To support this work, I am attaching a further progress update on buildings in your area which are registered for the Building Safety Fund (BSF), the scheme to pay for the remediation of unsafe non-ACM cladding on private and social sector residential buildings 18m and taller. Too many building owners are still not taking their responsibilities seriously enough and are responding too slowly, or not at all. The Government wants to see better, faster action from building owners and we expect this data to help you to understand, manage and prioritise the risks to residents in your area, and to assist you to target informal action, or use of the Housing Act 2004, to expedite cladding remediation.

If your desktop research, site surveys or sharing of information with your local fire and rescue service suggests a need to undertake formal action, including an inspection of a high-rise building, the national Joint Inspection Team (JIT) remains ready to advise or assist. The JIT, funded by the Department and hosted by the Local Government Association, remains a free service to local authorities. They can be contacted at JIT@local.gov.uk.

Where the department identifies troubling or inadequate behaviour from applicants to the Building Safety Fund it will support your regulatory activity by passing this information to you in the expectation that you will take prompt and robust steps against those responsible. Senior staff and ministerial colleagues remain available to support you, and fire and rescue services, with specific cases when necessary.

Many local authorities and fire and rescue services have already used their enforcement powers against owners of unsafe high-rise residential buildings. We are aware of eighteen local authorities and five fire and rescue services that have taken or are taking formal enforcement action against high-rise buildings with non-ACM cladding types. Of these, thirteen local authorities have to date issued or are drafting statutory Improvement Notices requiring and setting a timeline for remediation. Twelve local authorities have received assistance with non-ACM enforcement to date from the JIT. Thank you for helping progress these cases, though there remain too many buildings where the owners are moving far too slowly.

In response to feedback, where they can, my team are working on some of the suggested changes from you and your officers to our regular data sharing. For example, we are directly sharing this update with the relevant fire and rescue services too. To help answer queries about the BSF, we have attached the *Building Safety Fund: Application process* guidance. As always, if you have any queries or would like a meeting to discuss the contents of this letter, please contact the team at towercaseworkteam@communities.gov.uk. I remain ready to assist you too.

Yours,

A handwritten signature in black ink, appearing to read 'Richard Goodman', with a stylized flourish at the end.

Richard Goodman

Director General, Safer and Greener Buildings Group



Department for Levelling Up,
Housing & Communities

Alistair Watters

Director, Building Remediation and Grenfell

**Department for Levelling Up,
Housing and Communities**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Alistair.Watters@communities.gov.uk

28 January 2022

Dear Colleague, Tracey Lee

Ensuring resident safety in higher risk buildings: Building Safety Fund data

On 10 January, the Secretary of State made an important Statement to Parliament in which he addressed several significant measures in fire safety in residential high and medium-rise buildings. This letter highlights his key announcements and aims to support your work on targeted enforcement action. Thank you for your ongoing work with building owners, fire and rescue services, the Department, and others to ensure that the issue of unsafe cladding on high-rise buildings is robustly tackled. Despite collective efforts, there remains unsafe cladding that must be fixed.

The Secretary of State noted that the Fire Safety Act 2021 will shortly commence. This will affirm that fire and rescue services can also use their enforcement powers against owners of buildings with unsafe cladding. You will also know that your authority will retain a key responsibility under the Housing Act 2004 to keep under review the conditions of residential buildings in your area and to take appropriate enforcement action. We have already seen positive examples of local regulators sharing information, developing local enforcement strategies, and collaboratively considering their approach to buildings. To further support this, new principles for effective regulation of fire safety in flats are now hosted by the Local Government Association [here](#), to help guide partnerships between local authorities and fire and rescue services.

To support your work to understand, manage and prioritise the risks to residents in your area, and to assist you to target enforcement action, I am attaching a further progress update on buildings in your area which are registered for the existing phase of the Building Safety Fund (BSF), the scheme to pay for the remediation of unsafe non-ACM cladding on residential buildings 18m and taller. The national Joint Inspection Team (JIT) remains ready to advise and assist. The JIT is still a free service to local authorities funded by the Department and hosted by the Local Government Association. To date, the JIT have assisted 17 local authorities to carry out HHSRS inspections of 32 high-rise residential buildings with unsafe cladding. The JIT also continues to run training sessions on high-rise fire safety and HHSRS inspections for environmental health/housing officers and managers. To date, 450 local authority officers

from 141 English local authorities have attended level 1 training and 151 officers from 64 English local authorities have attended level 2 training. In total, 148 local authorities in England have sent officers to at least one training session. The JIT can be contacted at JIT@local.gov.uk.

We have been pleased to receive information from some local authorities that showcases their building safety enforcement activity and results. We are keen to build on this and provide a convenient way for you to share with us your enforcement activities related to high-rise residential buildings. This will help the Department to celebrate your achievements, share best practice approaches, and inform future work. The DELTA system will soon include a new data collection space that can be used to upload your enforcement information on buildings with non-ACM cladding, and we encourage your teams to use it.

The Secretary of State made it clear in his Statement that the Government will focus on a proportionate approach to building safety. The next phase of the BSF will open early this year and be driven by risk, with a focus on delivering the Fund more quickly. The Government has also withdrawn its Consolidated Advice Note and supports new, proportionate guidance for assessors, developed by the British Standards Institution: [PAS9980](#). Where remediation work is unnecessary in buildings, there must instead be greater use of mitigation measures such as sprinkler systems and fire alarms. To support residents' access to information about their buildings, on 20 January the Building Safety Fund Leaseholder and Resident Service was launched. This service allows leaseholders and residents to access information about their building's BSF status, using a unique, confidential building code. The service can be accessed [here](#). The Government also launched the new [Waking Watch Replacement Fund](#) on 27 January, providing a further £27 million to fund more fire alarms and end the misuse of waking watch measures on buildings of any height.

Engagement with local authorities and work to target enforcement against buildings with unsafe cladding remain key priorities for the Department. If you would like to share any ideas or arrange a meeting with us, please contact the team at towercaseworkteam@communities.gov.uk.

Yours sincerely,



Alistair Watters

Director, Building Remediation and Grenfell



Alistair Watters
Director, Building Remediation and Grenfell

**Department for Levelling Up,
Housing and Communities**
4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Alistair.Watters@levellingup.gov.uk

4th April 2022

Dear Colleague, Tracey Lee

Ensuring resident safety in higher risk buildings: Building Safety Fund

Thank you for your continued work with fire and rescue services and the Department and others to make sure that high-rise buildings are safe for those who live in them.

As part of the Government's collective effort to address unsafe cladding systems, we have worked in partnership with local fire and rescue services to identify buildings that may have unsafe non-ACM cladding systems, but do not appear on the Department's records as having a funding solution in place. It is our intention to ensure these buildings are remediated where required.

Currently, you do not have any buildings in this category, however you may have buildings in your area in the future. If we identify buildings in your area, we will notify you in due course.

Next steps

As a next step, we will engage with the responsible entities for these buildings to understand the action they have taken, or intend to take, to address the fire risks related to unsafe cladding on their building. Where responsible entities do not engage with the department or provide credible answers to addressing risks to residents from cladding, we will ask for your support to robustly follow up, including considering enforcement action where appropriate.

The national Joint Inspection Team (JIT) remains ready to advise on enforcement. The JIT is still a free service to local authorities, funded by the Department and hosted by the Local Government Association (LGA). The JIT can be contacted at JIT@local.gov.uk.

To support your work to understand, manage and prioritise the risks to residents in your area, I attach an updated list of the buildings that have been identified in your area which are registered for the existing phase of the Building Safety Fund (BSF).

Review of engagement

We are currently working with National Fire Chiefs Council (NFCC) and LGA to review the way we engage on building remediation. The aim is to expedite the

remediation process in each area by supporting local authorities and the fire and rescue services to manage and prioritise risks, supporting them to take enforcement action where needed. We would appreciate your local authority being represented at any meetings arranged by the Department for this purpose.

Data collection

In our letter dated 28 January 2022, we informed you that the DELTA System will soon include a new data collection space that can be used to upload data on your enforcement actions on high-rise buildings with non-ACM cladding. This is now in operation, and I would like to thank those councils that have already uploaded information.

This collection is a valuable source of data for us to understand and celebrate the contribution that local authorities are making to ending the cladding crisis, as well as to support us to share best practice approaches and inform future work. Please can you encourage your teams to use it to ensure your enforcement information is up to date on the system. We will also be publishing data on actions taken in due course.

Legislative developments

The Government continues to work to improve building safety and protect leaseholders. We expect the Fire Safety Act 2021 will commence shortly. The Fire Safety Act will put beyond doubt that fire and rescue services can use their enforcement powers to address fire safety risks from unsafe cladding.

The Department has also tabled amendments to the Building Safety Bill which is currently going through parliament. The Bill will help to drive up standards across the construction industry and create a world-class building safety regulatory regime, built upon the principles of safety and proportionality.

The amendments establish powers to:

- take action against developers who have not been supportive in addressing the costs of remediation that they are responsible for, as well as;
- establish new causes of action that can be taken against construction product manufacturers, and
- embed further protections for leaseholders into law.

Engagement with local authorities, and work to target buildings with unsafe cladding that are making the least progress, remain key priorities for the Department. If you have any queries or would like a meeting to discuss the contents of this letter, please contact the team at towercaseworkteam@levellingup.gov.uk.

Yours sincerely,



Alistair Watters

Director, Building Remediation and Grenfell



Department for Levelling Up,
Housing & Communities

Alistair Watters

*Director, Building Remediation and
Grenfell*

**Department for Levelling Up,
Housing and Communities**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Alistair.Watters@levellingup.gov.uk

22 June 2022

Dear Colleague, Tracey Lee,

Ensuring resident safety in higher risk buildings: Building Safety Fund (BSF)

Following on from my letter dated 4 April, although progress is being made to address unsafe cladding on some buildings there are still buildings which are making insufficient progress and responsible entities need to act to address this or be compelled to if they do not. Your action to help resolve these in a timely manner is now more important than ever. At the five-year anniversary of the Grenfell tragedy protecting leaseholders and ensuring rapid remediation is a priority we must share.

In my last letter, I informed you of the Department's effort to identify buildings that may have unsafe cladding systems but do not appear on the Department's records as having a funding solution in place. We have contacted 99% of the buildings from NFCC Interim Measures Data, with a response rate of 57% and have made good progress to understand the action they have taken, or intend to take, to address the fire risks related to unsafe cladding on their building. However, not all have responded.

Please continue to upload any non-ACM enforcement action taken on the DELTA portal; note that we will be publishing aggregate data from next month covering data uploaded by the end of June.

To continue to support your work to understand, manage and prioritise the risks to residents in your area, I attach an updated list of the buildings that have been identified in your area which are registered for the existing phase of the BSF (BSF Data).

Joint Inspection Team

The national Joint Inspection Team (JIT) remains ready to support you and advise on enforcement on high-rise buildings with unsafe cladding. The JIT is a free service to local authorities. We have increased their funding until at least the end of the financial year 2023/2024; they will be expanding in size and therefore capacity to assist local authorities. The JIT can assist you to meet your duty under the Housing Act 2004 to keep housing conditions under review and to take appropriate action where significant fire safety hazards are identified. The JIT can help to assess a priority order for inspections if there are multiple affected buildings in your area. To date the JIT has supported local authorities on 40 inspections, resulting in 19 improvement notices served by these authorities. If you would like help with any of the buildings on your lists, please contact the JIT at JIT@local.gov.uk. We also encourage you to closely collaborate with your local fire service and agree which authority should take what action in relation to a particular building.

The Fire Safety Act commenced on 16 May 2022, putting beyond doubt that fire and rescue services can also use their enforcement powers to address fire safety risks from unsafe cladding.

You will also know that your authority retains a key responsibility under the Housing Act 2004 to keep under review the conditions of residential buildings in your area and to take appropriate enforcement action. To further support this, new principles for effective regulation of fire safety in flats are now hosted by the LGA [here](#), to help guide partnerships between local authorities and fire and rescue services. The LGA has published [case studies](#) on the JIT and on Liverpool, Nottingham, and Camden councils and their joint working with fire and rescue services that you may find useful.

Review of engagement

We have started consultation with stakeholders including local authorities, fire and rescue services, National Fire Chiefs Council and LGA on a revised engagement approach. As outlined in our last letter, the aim is to expedite the remediation process in each area by supporting local regulators to manage and prioritise risks and support them to take enforcement action where needed. We will be contacting you with further details shortly and expect representation at any meetings arranged by the Department for this purpose. Meetings are also being organised for senior officials and Ministers with selected local authorities and fire services to follow up on our collective progress to make safe the buildings on the lists shared in this letter. Let me again reiterate the urgency and necessity of remediating unsafe cladding where proportionate to do so. Every possible effort should be taken to ensure all buildings are made safe, including statutory enforcement action where necessary.

Legislative developments

The Building Safety Act marks the next step in the Government's ongoing reforms to make sure everyone's home is a place of safety. The Act delivers improvements across the entire built environment and includes flagship provisions to protect leaseholders in buildings above 11 metres or with at least five storeys from the costs of remediating historical safety defects. The Act contains robust new powers to enforce these protections and ensure that buildings are made safe. Remediation Orders will allow interested parties (including local authorities and fire and rescue services) to apply to the First-tier Tribunal for an order requiring a landlord to remedy specified defects in their building. Remediation Contribution Orders will allow interested parties (including local authorities and fire and rescue services) to apply to the Tribunal for an order compelling landlords, developers, and their associated companies to make payments in order to meet costs incurred in remedying relevant defects, preventing developers, building owners, and landlords from hiding behind complex company structures to evade liability. We expect that local authorities will be proactive in using these robust and significant new powers to hold rogue developers and building owners to account so that buildings can be made safe.

The Recovery Unit

The Recovery Unit is a team established by the Secretary of State and is dedicated to pursuing organisations, including freeholders, contractors and developers, who have failed to do the right thing. The Unit will be using the powers in the Building Safety Act to expose and pursue those who have repeatedly demonstrated poor behaviour and a lack of action to fix the problems they created. If you are aware of examples where the same organisation is, across multiple buildings, failing to access appropriate government schemes and/or make buildings safe, or where a case is so egregious it requires dedicated pursuit to set a precedent and send a clear signal to others, please get in touch using the email address below.

If you have any queries or would like a meeting to discuss the contents of this letter, please contact the team at towercaseworkteam@levellingup.gov.uk.

Yours sincerely,



Alistair Watters

Director, Building Remediation and Grenfell

This page is intentionally left blank

HIGH RISE BUILDING TEAM

Community Connections

Finance Considerations

The High Rise Buildings Team received internal approval in May 2022 with the HRBT Manager commencing work from September 2022 to build the team. The financial costs of the team have been agreed previously and have not changed.

The HRBT policy does not create any additional cost considerations.

In the HRBT Proactive Inspection + Enforcement Processes (appendix D), section 2.2, it does discuss the potential need for the presence of a specialist contractor in some circumstances. However, it also confirms that in these circumstances the cost incurred to the council for this would be recharged through the service of a HA2004 S49 notice to accompany any Improvement Notice serves. Therefore, the aim would be that this element would be cost neutral if required.

This page is intentionally left blank

HIGH RISE BUILDING TEAM

Community Connections



Community Connections – HRBT

Proactive Inspection & Enforcement Processes

1.0 The 'higher-risk building' Inspection Programme

Stage 1 – Pre-Inspection

- **1.1 – Desktop Risk Assessments & External Visual Inspections**

In general practice the HRBT members will review the prioritisation table of assessed risks, in higher-risk buildings, and plan the five buildings with the highest risk rating to be scheduled for inspection within the following 6-month period. Exceptions to this process may need to be made where an emerging increase in risks is identified in another higher-risk building. Where this is the case, the HRBT Manager and Fire Safety Officer will consult to determine the necessary changes to the programme, as the primary representatives of the joint enforcement authorities.

- **1.2 – Information Gathering**

The HRBT will utilise the following powers to request information and documentation, as well as additional sources of relevant information. These tools will enable the HRBT to obtain key information to enable the most professional, efficient, and meaningful inspections to take place. The timescales that apply to notices will need to be taken into account to ensure that there is sufficient time from service to ensure that information and/or documentation is received in the appropriate timescale prior to inspection.

Power / Source	Legislation	Purpose	Timescales
Section 16 Notice	(LGMPA1976)	Requesting Information	Minimum 2 weeks
Section 235 Notice	(HA2004)	Requesting Documentation	Typically 2 weeks
Article 27 Notice	(FSO2005)	Requesting Documentation	Varied timescales
Council Tax Searches	N/A	Obtaining Information	Immediate Access
Land Registry Searches	N/A	Obtaining Information/Documentation	(Usually) Immediate Access
Companies House Searches	N/A	Obtaining Information/Documentation	Immediate Access

- **1.3 – Scheduling Inspection**

When the HRBT approach the scheduling of an inspection, they must ensure that they have researched the building and formally notified the interested parties in advance. This is so that the inspection is as professional, efficient, and meaningful as possible. It will also help to ensure that duties are met and any enforcement action that may follow that will be robust to challenge at First-tier Tribunal.

The scheduling of a higher-risk building inspection will typically include the following actions;

- A review of the building plans to determine which units of accommodation also need to be inspected, in addition to the communal and external areas. This will typically be 5-10% of the stock and should include different types of accommodation and/or accommodation located in areas of particular interest.
- Communication with interested parties about the need to inspect, and the available schedule for HRBT inspections. This communication can be in person, written form, over the phone, or via a virtual meeting platform. It will include discussions of HRBT requirements.
- Written notification to interested parties (i.e. Freeholder/Owner, Leaseholder/s, Management Company and Managing Agent etc.) confirming the date and time set for inspection. This notification will also include confirmation of the requirements of the team (i.e. access to specific areas, times for access, people availability etc.).
- Service of a Power of Entry Notice, under Section 239 of the Housing Act 2004, for each dwelling that is to be accessed, or may be accessed, as part of the inspection process. These notices will be served in accordance with the legislation and provide at least the minimum 24 hours' notice required.
- In specific circumstances there may be a need to apply for a Warrant of Entry under Section 240 of the Housing Act 2004. This will only occur where a Magistrate has approved, on application, where admission to the premises is required and that advanced notification of the access would defeat the purpose of the entry. In any such case, no advanced notification is required to be given. However, notification after the fact is required.

Stage 2 – Inspection

- **2.1 – Onsite Process – Typically a 2-day inspection process (examples provided below)**

Day 1 – Communal Areas - Example

- 09:00 – At the start of the day, the HRBT will meet 30 minutes prior to inspection to run through expectations from the day ahead.
- 09:30 – Meet interested parties at the building (Introductions). It is not expected that the HRBT will need to be accompanied on the inspection process other than for access purposes.
- 09:45 – Start the inspection process with the communal areas of the building. The HRBT party will typically take a top-down approach. Inspection of the communal areas includes, but is not limited to; means of escape, communal spaces, and service areas.
- The inspection will include access to; roof space, basement areas, internal car parks, bin stores, plant rooms, under crofts, and any other areas of particular interest, providing it is safe to do so (based on an on-site dynamic risk assessment).
- The external areas will also be inspected, taking into account the general construction of the building and any external wall systems. It will also take consideration of firefighting access levels, external car parks, and any other areas of particular interest, providing it is safe to do so (based on an on-site dynamic risk assessment).

- A lunch break will be taken for approximately 45-60 minutes, at a convenient time between 12:00 and 14:00, before resuming the inspection process.
- 15:45 the day's inspection will stop, and the team will reconvene to a quiet location to debrief and take away initial findings. Any communal or external areas still unassessed at this point are rolled on to day 2.
- 17:00 finish debrief with the HRBT from day 1 with key findings noted. Ensure all risers locked keys returned etc. Explain to Responsible Person what has been done and still to do, (i.e. any additional engineers needed to test smoke control alarms etc. if needed, and/or any immediate works needed).

Day 2 – Residential and Commercial Areas - Example

- 09:00 – At the start of the day, the HRBT will meet 30 minutes prior to inspection to run through the key findings from day 1, and expectations from the day ahead.
- 09:30 – Meet interested parties at the building. It is not expected that the HRBT will need to be accompanied on the inspection process other than for access purposes.
- 09:45 – Start the inspection process with any communal or external areas left unassessed from day 1.
- The HRBT party will then begin to inspect any commercial premises that form part of the building. Inspection of the commercial areas includes, but is not limited to; commercial activity areas, storage areas, any means of access/egress, communal spaces, and service areas. Inspections will be undertaken providing it is safe to do so (based on an on-site dynamic risk assessment).
- The HRBT party will then begin to inspect any selected residential premises within the indicated time frames specified in correspondence with leaseholders and/or tenants. Dwelling inspections will be undertaken in relation to property condition, identifying and considering hazards under HHSRS, and also considering the impact it may have on adjacent areas and visa-versa. Inspections will be undertaken providing it is safe to do so (based on an on-site dynamic risk assessment).
- A lunch break will be taken for 45-60 minutes, at a convenient time between 12:00 and 14:00, before resuming the inspection process.
- The day's inspection will conclude when the HRBT party are satisfied that they have obtained sufficient access to areas that will inform assessments and report completion. If there is an indicated need to widen the inspection process to more units of accommodation, or other particular areas of interest, this will be arranged as a follow-up process and will go through the standard notification channels.
- On completion of the day 2 inspection, the HRBT party will reconvene to a quiet location to debrief and take away initial findings. The team will consider points from both days and collate the information. The party will also consider if any urgent works are required? Additionally if any additional test certificates or physical demonstrations of smoke control systems are needed?

- **2.2 – Expert Presence in the HRBT Inspection Party**

To ensure that the inspection process has the right level of Skills, Knowledge, and Experience, the HRBT is modelled on the Joint Inspection Team as set up by the Local Government Association. The HRBT personnel include;

- HRBT Manager / Environmental Health Practitioner, who is a subject matter expert in assessing housing conditions, hazards, and the application of housing law to remedy them.
- HRBT Fire Safety Officer, who is a subject matter expert in assessing fire safety, hazards, and the application of fire safety law to remedy them.
- HRBT Building Control Officer (or RICS surveyor), who is a subject matter expert in assessing building safety, hazards, and the application of building safety law to remedy them.
- HRBT Technical Officer, who is a strong administrator and entry level housing inspector who will be trained by the HRBT Manager/EHP.
- In some circumstances a specialist contractor may be required to attend and assist the HRBT Inspection Party. In these cases the charge for this will be recharged to the Interested Parties as a means of recovering additional costs incurred (rechargeable through S49 to accompany Improvement Notice).

- **2.3 – Recording of Evidence Process relating to Inspections**

To ensure that the inspection process captures the right level of detail for consideration and assessment, the HRBT inspection party will record evidence of their observations in the following ways;

- Taking notes from the inspection, whether handwritten or via the use of a digital device.
- Taking photos or videos, by use of a mobile phone, camera, or other digital device.
- Information will be collated and saved onto databases at the local authority, fire authority, and/or other relative interested party in accordance with information/data sharing agreements.

Stage 3 – Post-Inspection

The HRBT will meet to collate and upload all information relevant to the inspection. The team will review the findings, highlighting key areas of responsibility for assessment/s, and agree a plan of action for completing assessments, reviewing legislation and guidance.

There will be a scheduled follow-up meeting, set in the HRBT diaries, to bring together the completed assessments and discuss the most appropriate legislation to utilise in tackling significant deficiencies or hazards. The team will then decide on the most appropriate form of formal action (e.g. Improvement Notice) and agree a timescale to produce draft notices.

In accordance with Section 10 of the Housing Act 2004 the HRBT fulfils the statutory duty of consultation between local authority and fire rescue authority on enforcement matters. Formal notices will then be served in accordance with the relative legislation.

Periodic follow-up contacts will be made with relevant persons, in respect of works required within the notice/s. Databases will then be updated with the outcomes. Follow-up visit/s may be required to capture evidence of compliance, or lack of compliance, with the notice/s.

Where works are completed, and notice/s are complied with, outcomes will be recorded on the database to show the impact of HRBT intervention.

Any issues of non-compliance will be investigated and considered for enforcement action, and additional notice/s.

Stage 4 – Enforcement

Enforcement Actions for non-compliance, taken by the local authority, will be carefully considered in conjunction with Plymouth City Council's Housing Improvement (Housing Standards) Policy and Civil Penalty Policy. Our relevant Housing Enforcement policies can be found [here](#). However, any enforcement action taken by the Fire Service will be in accordance with their policies. Plymouth City Council's enforcement actions will be proposed through the completion of an Enforcement Action Proposal for HRBT Manager approval. Where appropriate, legal counsel will be sought in relation to the proposed action and contact will also be made with the corporate communications teams. Any Enforcement Actions undertaken by the local fire rescue service, will be undertaken in accordance with their policies and procedures.


Enforcement actions can include;

<u>Local Authority</u>	<u>Fire Authority</u>
<p><u>Service of HA2004 Notice;</u> i.e. Improvement Notice, Prohibition Order, Hazard Awareness Notice, etc.</p> <p><u>Caution</u></p> <p><u>Prosecution;</u> with up to an unlimited fine in Magistrates' Court/Crown Court for certain offences</p> <p><u>Civil Penalty;</u> the imposition of a financial penalty as an alternative to prosecution (max £30k per offence).</p> <p><i>Prosecution Example (i.e. public information): Landlord 'PB' prosecution April 2021 (Plymouth) fined and subsequently placed on the Rogue Landlord Database for 2 Years (Sep21-Sep23).</i></p> <p><u>Rogue Landlord Database;</u> In specific circumstances the responsible person's details can be added to the database of rogue landlords and property agents. Entries must be made for a minimum of a 2 year period and are accessible by LA's.</p> <p><u>Banning Orders;</u> In relation to specific offences, an application can be made to First-tier Tribunal for the responsible person to be subjected to a Banning Order. Preventing them from letting housing, engaging in letting agency work, property management work, or hold a HMO licence. Banning Orders, if granted, will last a minimum term of 1 year but there is no restriction on the maximum term.</p>	<p><u>Service of FSO2005 Notice;</u> i.e. Prohibition Notice, Article 27 Notice, etc.</p> <p><u>Caution</u></p> <p><u>Prosecution;</u> with an unlimited fine in Magistrates' Court or Crown Court.</p> <p>Under the Regulatory Reform (fire safety) Order 2005 any 'indictable offence' can come with a 2 year custodial sentence.</p> <p><i>Prosecution Example (i.e. public information): 'NL' (Oxford Street) £400k in 2007 for 2 breaches;</i></p> <p><i>(1) Insufficient Staff Training</i></p> <p><i>(2) Storage blocking escape route</i></p>
<p>In respect of both authorities, any enforcement for non-compliance will have consideration of the Code for Crown Prosecutors to ensure both the Evidential and Public Interest Tests are met. Both authorities may also take the following actions as they are listed as 'interested persons' under the Building Safety Act 2022.</p> <p><u>Remediation Orders</u></p> <p>As one of the listed 'interested persons', the local authority and/or fire authority can make an application to the First-tier Tribunal to require a relevant landlord to remediate relevant defects in a relevant building.</p> <p><u>Remediation Contribution Orders</u></p> <p>As one of the listed 'interested persons', the local authority and/or fire authority can make an application to the First-tier Tribunal to require a specified corporate body or partnership to make payments for the purpose of meeting costs incurred in remediating relevant defects in a relevant building.</p>	

DRAFT

EQUALITY IMPACT ASSESSMENT – HIGH RISE BUILDINGS TEAM POLICY

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Mark Chubb	Department and service:	High Rise Buildings Team, Community Connections	Date of assessment:	06/01/2023
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Matt Garrett	Signature:		Approval date:	15/01/2023
Overview:	The work of the High Rise Buildings Team needs to be supported by a strong Policy and set of procedures to support a fair and consistent approach, as well as set reasonable expectations of what to expect for the end service users. The draft policy has been shared with colleagues at Plymouth City Council, Devon and Somerset Fire and Rescue Service, and national colleagues at the Local Government Association. All have responded positively and the LGA have requested it be used to share with other local authorities via a freely accessible forum, for local authorities, called Knowledge Hub.				
Decision required:	Approval of the EIA to show that the policy has given due regard to equality, and that it; <ul style="list-style-type: none"> • does not discriminate or impact negatively on people within protected characteristics • meets effective business and legislative requirements • is transparent and shows we are accountable in what we do • allows councillors to be properly advised of the potential impacts of a proposal • acts as a key document to demonstrate that the Council has given 'due regard' at a judicial review or legal proceeding 				

SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	No
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	No
Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section two)	Yes		No	No
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.	<p>The approach of the High Rise Buildings Team, in accordance with the policy, is driven by risk factors relating to the buildings construction and risk of fire and other hazards that impact housing conditions. There is no consideration or selection criteria based on personal characteristics.</p> <p>Any resulting actions that come from work undertaken by the High Rise Buildings Team, in accordance with this Policy, will have regard to other existing policies within Community Connections and Plymouth City Council which have had Equality Impact Assessments completed. An example of this could be if residents needed to be displaced from an unsafe building. In the event of this we would engage existing Community Connections Homelessness Team for support and placement into temporary accommodation, if required, and act in accordance with existing policies.</p>			

Sections 3-5 not completed as it is considered that a full Equality Impact Assessment is not required.

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – ESCYP02 22/23

Decision				
1	Title of decision: School Term Dates 2024-2025			
2	Decision maker (Cabinet member name and portfolio title): Councillor Charlotte Carlyle Cabinet Member for Education, Skills & Children & Young People			
3	Report author and contact details: Julie Reed 307355 / Amanda Paddison			
4	Decision to be taken: To approve the proposed school term and holiday dates for 2024-2025 as set out in the attached table.			
5	Reasons for decision: School term and holiday dates are set by the local authority for Community and Voluntary Controlled (VC) schools and maintained nursery schools. Own admission authority schools may not follow the term dates set by the local authority. However, it is proposed that model calendars be agreed and publicised in order to encourage consistency between schools and neighbouring local authorities.			
6	Alternative options considered and rejected: No action could result in schools within Plymouth setting different term and holiday dates from their neighbours creating problems for both parents and staff.			
7	Financial implications and risks: None			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			x	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million
			x	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key			


	<u>Decisions</u>	
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	<p>This decision support the Corporate Plan values and priorities:</p> <p>A Caring Council: Promoting standard school term dates and holiday calendars will help ensure that the holiday dates of parents and children coincide and help safeguard the health, safety and wellbeing of the most vulnerable and disadvantaged children, supporting them to make the most of their learning. Co-ordinating dates with neighbouring authorities will help reduce unauthorised pupil absence and prevent/reduce crime and disorder and anti-social behaviour by ensuring that the holiday dates of parents and children coincide.</p> <p>We Are Collaborative & We are Responsible: Coordinating term dates with neighbouring authorities and standardising the length of terms promote planning and learning opportunities; support school staff in improving school performance; reduce stress levels of school staff with children at school in neighbouring authorities.</p> <p>We Are Fair: Coordinating term dates with neighbouring authorities will improve customer satisfaction by providing services designed around customer needs.</p> <p>We Are Democratic: The wide ranging consultation ensured local people were informed, consulted and involved in setting the proposed dates.</p>
10	Please specify any direct environmental implications of the decision (carbon impact)	None.

Urgent decisions

11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	x	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			

Consultation

I3a	Are any other Cabinet members' portfolios affected by the decision?	Yes					
		No	x	(If no go to section I4)			
I3b	Which other Cabinet member's portfolio is affected by the decision?	N/A					
I3c	Date Cabinet member consulted	N/A					
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer			
		No	x				
I5	Which Corporate Management Team member has been consulted?	Name	Sharon Muldoon				
		Job title	Director of Children's Services				
		Date consulted	21/12/22				
Sign-off							
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS89 22/23				
		Finance (mandatory)	DJN.22.23.322				
		Legal (mandatory)	EJ/38851/19.12.22(2)				
		Human Resources (if applicable)	N/A				
		Corporate property (if applicable)	N/A				
		Procurement (if applicable)	N/A				
Appendices							
I7	Ref.	Title of appendix					
	A	Briefing report for publication					
	B	School Term Dates 2024 - 2025					
	C	Equalities Impact Assessment					
Confidential/exempt information							
I8a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for			

		No	<input checked="" type="checkbox"/>	publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature			Date of decision		19/01/2023			
Print Name	Cllr Charlotte Carlyle							

CONSULTATION ON PROPOSED SCHOOL TERM AND HOLIDAY DATES 2024-2025



School term and holiday dates are set by the local authority for Community and Voluntary Controlled (VC) schools and maintained nursery schools. Own admission authority schools may not follow the term dates set by the local authority. As in previous years, we are proposing to consult on and publicise term dates for 2024-2025 and recommend that all the schools in Plymouth adopt them. Both Devon and Cornwall Councils are proposing to take the same approach. The dates for 2023-2024 have already been agreed and are available on the PCC website.

As with the 2023-2024 dates, the proposed 2024-2025 dates for Plymouth schools closely match those proposed by Devon County Council and Cornwall Council, variations are due to Plymouth working on a 200 day calendar, Devon on 197 days and Cornwall on 195 days.

The proposed dates for Plymouth schools continue to support the City Council's aims of setting school terms of more or less equal length and reducing the number of part weeks at the beginning and end of terms.

The tables below compare the proposed dates for Plymouth, Devon and Cornwall Councils.

2024-2025

TERM	Plymouth	Devon	Cornwall
1	3 Sept – 25 Oct 2024	3 Sept – 25 Oct 2024	TBC Spring 2023
2	4 Nov – 20 Dec 2024	4 Nov – 20 Dec 2024	
3	6 Jan – 14 Feb 2025	6 Jan – 14 Feb 2025	
4	24 Feb – 4 Apr 2025	24 Feb – 4 Apr 2025	
5	22 Apr-23 May 2025	22 Apr-23 May 2025	
6	2 June – 23 July 2025	2 June – 25 July 2025	

* Governing bodies can choose to use three of their Occasional Days to make the February holiday a full week.

We undertook a consultation with stakeholders to ascertain the views of all interested parties on the proposed school term and holiday dates. There were no negative responses.

This page is intentionally left blank

SCHOOL TERM DATES 2024/2025

	September 24					October 24					November 24					December 24				
Monday	2	9	16	23	30		7	14	21	28		4	11	18	25	2	9	16	23	30
Tuesday	3	10	17	24		1	8	15	22	29		5	12	19	26	3	10	17	24	31
Wednesday	4	11	18	25		2	9	16	23	30		6	13	20	27	4	11	18	25	
Thursday	5	12	19	26		3	10	17	24	31		7	14	21	28	5	12	19	26	
Friday	6	13	20	27		4	11	18	25		1	8	15	22	29	6	13	20	27	
	January 25					February 25					March 25					April 25				
Monday		6	13	20	27	3	10	17	24		3	10	17	24	31		7	14	21	28
Tuesday		7	14	21	28	4	11	18	25		4	11	18	25		1	8	15	22	29
Wednesday	1	8	15	22	29	5	12	19	26		5	12	19	26		2	9	16	23	30
Thursday	2	9	16	23	30	6	13	20	27		6	13	20	27		3	10	17	24	
Friday	3	10	17	24	31	7	14	21	28		7	14	21	28		4	11	18	25	
	May 25					June 25					July 25					August 25				
Monday		5	12	19	26	2	9	16	23	30		7	14	21	28		4	11	18	25
Tuesday		6	13	20	27	3	10	17	24		1	8	15	22	29		5	12	19	26
Wednesday		7	14	21	28	4	11	18	25		2	9	16	23	30		6	13	20	27
Thursday	1	8	15	22	29	5	12	19	26		3	10	17	24	31		7	14	21	28
Friday	2	9	16	23	30	6	13	20	27		4	11	18	25		1	8	15	22	29

The school year comprises:

Teaching days (statutory)	190
Professional development days ¹	5
Occasional days ²	5
sub-total	200
School holidays	52
Bank holidays	8
Saturdays and Sundays	105
Total	365

School terms:

term	start	end	days
1	3 Sep 14	25 Oct 24	39
2	4 Nov 24	20 Dec 24	35
3	6 Jan 25	14 Feb 25	30
4	24 Feb 25	4 Apr 25	30
5	22 Apr 25	23 May 25	23
6	2 Jun 25	23 Jul 25	38
Total			195

Notes:

1 Professional Development Days to be allocated by each school from within the specified term dates.
2 Occasional Days to be allocated by each school from within the specified term dates: an allocation as suggested would support the equal distribution of term lengths.

This page is intentionally left blank

EQUALITY IMPACT ASSESSMENT – [SCHOOL TERM DATES]

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Julie Reed / Amanda Paddison	Department and service:	Education Participation & Skills Access to Education	Date of assessment:	19/12/22
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Jim Barnicott/ Sharon Muldoon	Signature:	Approved via email	Approval date:	22/12/22
Overview:	<p>The Equality Act (2010) extended statutory protection across nine 'protected characteristics'. It recognised new forms of discrimination and introduced the Public Sector Equality Duty (PSED). Those organisations subject to the PSED must, in the exercise of their functions, have due regard to the need to promote equality and specifically:</p> <ul style="list-style-type: none"> ▪ eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct; ▪ advance equality of opportunity between people who share a protected characteristic and those who do not; and ▪ promote good relations between people who share a protected characteristic and those who don't. <p>The Equality Act states that we must exercise due regard to equality when we make decisions, in a way that is reasonable and proportionate to the decision being taken. To discharge this duty and demonstrate our commitment to promoting equality, we have completed an equality impact assessment (EIA).</p> <p>School term and holiday dates are set out by the local authority for Community and Voluntary controlled (VC) schools and maintained nursery schools. Own admission authority schools may not follow the term dates set by the local authority. However, as in previous years, we have consulted on and publicised term dates and will recommend that all schools in Plymouth adopt them. Both Devon County Council and Cornwall County Council are proposing to take the same approach.</p> <p>Promoting standard school term dates and holiday calendars will help ensure that the holiday dates of parents and children coincide and help safeguard the health, safety and wellbeing of the most vulnerable and disadvantaged children, supporting them to make the most of their learning. Co-ordinating dates with neighbouring authorities will help reduce unauthorised pupil absence and prevent/reduce crime and disorder and anti-social behaviour by ensuring that the holiday dates of parents and children coincide.</p> <p>Coordinating term dates with neighbouring authorities and standardising the length of terms promote planning and learning opportunities; support school staff in improving school performance; reduce stress levels of school staff with children at school in neighbouring authorities.</p>				

	Coordinating term dates with neighbouring authorities will improve customer satisfaction by providing services designed around customer needs. No action could result in schools within Plymouth setting different term and holiday dates from their neighbours creating problems for both parents and staff.
Decision required:	To approve the proposed school term and holiday dates for 2024-2025. (This wording needs to match the decision paper and include how and when the decision is being taken)

SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	X
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	X
Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section three)	Yes		No	x
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.				

SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
	All data is from the 2011 Census except for age and sex which has been updated with 2021 data. Data will be updated with the 2021 Census data as it becomes available.			

Age	<p>Plymouth</p> <ul style="list-style-type: none"> • 16.4 per cent of people in Plymouth are children aged under 15. • 65.1 per cent are adults aged 15 to 64. • 18.5 percent are adults aged 65 and over. • 2.4 percent of the resident population are 85 and over. <p>South West</p> <ul style="list-style-type: none"> • 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64. • 22.3 per cent are aged 65 and over. <p>England</p> <ul style="list-style-type: none"> • 17.4 per cent of people are aged 0 to 14. • 64.2 per cent of people are aged 15 to 64. • 18.4 per cent of people are aged 65 and over. <p>(Data sourced from the 2021 Census)</p>	No adverse impacts are anticipated from this decision.	Not applicable	Not applicable
Disability	10 per cent of our population have their day-to-day activities limited a lot by a long-term health problem or disability (2011 Census).	No adverse impacts are anticipated from this decision.	Not applicable	Not applicable
Gender reassignment	There are no official estimates for gender reassignment at either national or local level (awaiting 2021 Census data).	No adverse impacts are anticipated from this decision.	Not applicable	Not applicable
Marriage and civil partnership	There were 234,795 marriages in England and Wales in 2018.	No adverse impacts are anticipated from this decision.	Not applicable	Not applicable

	<p>In 2020, there were 7,566 opposite-sex civil partnerships formed in England and Wales, of which 7,208 were registered in England and 358 were registered in Wales.</p> <p>There were 785 civil partnerships formed between same-sex couples in England and Wales in 2020, of which 745 were registered in England and 40 were registered in Wales.</p>			
Pregnancy and maternity	<p>There were 640,370 live births in England and Wales in 2019, a decrease of 2.5 per cent since 2018. The mid-year 2019 population estimates show that there were 2,590 births in Plymouth.</p> <p>The total fertility rate (TFR) for England and Wales decreased from 1.70 children per woman in 2018 to 1.65 children per woman in 2019.</p>	No adverse impacts are anticipated from this decision.	Not applicable	Not applicable
Race	<p>92.9 per cent of Plymouth's population identify themselves as White British. 7.1 per cent identify themselves as Black, Asian or Minority Ethnic.</p> <p>In 2021, 94.9 per cent of Plymouth's population identified their ethnicity as White, 2.3 per cent as Asian and 1.1 per cent as Black.</p> <p>People with a mixed ethnic background comprised 1.8 per cent of the population. 1 per cent of the population use a different term to describe their ethnicity.</p> <p>2021 Census data shows that after English, Polish, Romanian, Chinese, Portuguese, and</p>	No adverse impacts are anticipated from this decision.	Not applicable	Not applicable

	Arabic are the most spoken languages in Plymouth.			
Religion or belief	48.9 per cent (129,338) of the Plymouth population stated they had no religion. 42.5 per cent of the population (112,526) identified as Christian (2021 Census). Those who identified as Muslim account for 1.3 per cent of Plymouth’s population while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2021 Census).			
Sex	51 per cent of our population are women and 49 per cent are men (2021 Census).	No adverse impacts are anticipated from this decision.	Not applicable	Not applicable
Sexual orientation	There is no precise local data on sexual orientation in Plymouth (awaiting 2021 Census data).			

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
	No anticipated negative impacts on human rights are anticipated from this decision.	Not applicable	Not applicable

SECTION FIVE: OUR EQUALITY OBJECTIVES

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
Celebrate diversity and ensure that Plymouth is a welcoming city.	Plymouth City Council remains committed to celebrating the diversity of the city. Clear term dates will allow families to plan their celebrations in advance.	Not applicable	Not applicable
Pay equality for women, and staff with disabilities in our workforce.	Plymouth City Council is committed to promoting equality and the fair treatment of its workforce. As an employer, we have a clear policy of paying employees equally for the same or equivalent work regardless of gender or disability. The Council operates a comprehensive job evaluation scheme to ensure that rates of pay are fair and are based wholly on the role being undertaken.	Not applicable	Not applicable
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	Our People Strategy 2020 – 2024 sets out our approach towards ensuring that the Council's workforce can adapt and meet the ever-changing needs of the Council and our residents.	Not applicable	Not applicable
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	The Council is committed to reducing and tackling hate crime and ensuring that victims are treated in a trauma informed manner to ensure that they get the outcome which is most appropriate for them. The Council works closely with the Safer Plymouth Partnership, the community safety	Not applicable	Not applicable

	partnership for the city. Hate crime data is monitored.		
Plymouth is a city where people from different backgrounds get along well.	The Council is committed to promoting cohesion within the city.	Not applicable	Not applicable

This page is intentionally left blank

EXECUTIVE DECISION

made by a Council Officer




REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – COD36 22/23

Decision	
1	Title of decision: Commissioned Placement Sufficiency Plan 2022/23 – Award of contract for Peninsula Residential Children's Homes Flexible Purchasing System (FPS).
2	Decision maker (Council Officer name and job title): Sharon Muldoon, Director of Children's Services.
3	Report author and contact details: Emma Crowther, Strategic Commissioning Manager, emma.crowther@plymouth.gov.uk 01752 304009
4a	Decision to be taken: To award the contracts to the residential children's home providers listed in the Part I Report
4b	Reference number of original executive decision or date of original committee meeting where delegation was made: Cabinet 8 th March 2022 – agreed for procurement to proceed and for delegation of contract award to the Director of Children's Services
5	Reasons for decision: Plymouth City Council has a statutory duty to provide sufficient local placements of good quality for children and young people in the care of the local authority. These placements are sourced from a range of providers, including Ofsted registered residential children's homes. This decision relates to the outcome of a sub-regional tender for residential children's home placements from independent agencies, led by Devon County Council's procurement team, on behalf of Plymouth City Council, Somerset County Council and Torbay Council. The report describes the process used and recommends the successful providers for contract award.
6	Alternative options considered and rejected: Opening our own provision – this option is continuing to be explored, particularly for children where local provision is needed but not readily available. This option would not offer the range of locations or size of homes available through a Peninsula sub-regional approach. Ceasing the contract – as the need to commission placements from residential children's home providers is ongoing, this would mean reverting wholly to the spot purchase of individual placements. This would be at a higher weekly cost and also require quality assurance each time a new placement was made. The Peninsula contract is part of a long-standing Peninsula Commissioning Partnership with Devon County Council, Torbay Council and Somerset County Council enables the four local authorities to maximise their purchasing power and ability to negotiate with the market. The Peninsula contract is part of a wider approach to commissioning residential care placements for children. Plymouth City Council also commissions a block contract for children's homes which are

	within or close to the city. The Peninsula contract is used for when local beds are unavailable and/or a child's needs require a placement away from the city.			
7	<p>Financial implications and risks:</p> <p>Placement providers have for several months been signalling their increasing cost pressures in terms of their ability to attract and retain residential staff. Weekly wages for residential care staff are broadly comparable with those paid by larger supermarkets, and the COVID-19 pandemic also led to a number of the workforce reconsidering their work/life balance and career opportunities. Providers have also flagged the rising cost of travel and utilities in operating residential homes. Providers are fully aware of the financial challenges being faced by the local authority, but had signalled that weekly fees under any new contract would need to take account of the rise in costs during 2022.</p> <p>Residential care is a key part of achieving the Council's statutory sufficiency duty – for those children with the most complex needs linked to their experiences of trauma. Work is ongoing to only use residential care for those children and young people who need it, and only for the shortest period of time possible, to enable them to be able to return to living in a family based placement such as foster care.</p> <p>The financial implications of the award of contract are set out more fully in the Part 2 paper, but the new contract fees will only apply to new placements made from 1st February 2023 onwards and not to current placements. The contract contains a mechanism for considering future uplifts to fees, and those for the future years of the contract will be determined on a year by year basis. The current spend on the contract is £2.974m. It is likely that the Council will receive requests to review the price of existing placements on an ad hoc basis during the remainder of the financial year, for fees related to 2023/24. Where it is possible to negotiate these with Peninsula local authority partners this will be done.</p>			
8	<p>Is the decision a Key Decision? (please contact Democratic Support for further advice)</p>	Yes	No	<p>Per the Constitution, a key decision is one which:</p>
			x	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
		x		in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million
			x	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
8b	<p>If yes, date of publication of the notice in the Forward Plan of Key Decisions</p>	22 September 2022		
9	<p>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</p>	This proposal links to the Child Poverty agenda for the city and also A Bright Future 2021 – 26 in supporting children to stay safe, and in having adequate provision of good quality local placements for children in the care of the local authority.		
10	<p>Please specify any direct environmental implications of the decision (carbon impact)</p>	By seeking to work with providers who can deliver high quality residential children's homes, children will be able to settle into their placements, engage with education and support services.		

Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	x	(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	N/A		
13c	Date Cabinet member consulted	N/A		
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	x	
15	Which Corporate Management Team member has been consulted?	Name	Sharon Muldoon	
		Job title	Director of Children's Services	
		Date consulted	19 January 2023	
Sign-off				
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS94 22/23	
		Finance (mandatory)	DJN.22.23.345	
		Legal (mandatory)	MS/39670	
		Human Resources (if applicable)	N/A	
		Corporate property (if applicable)	N/A	
		Procurement (if applicable)	PB/SC/018/ED/0123	

Appendices								
17	Ref.	Title of appendix						
	A	Commissioned Placement Sufficiency Plan 2022/23 – Award of contract for Peninsula Residential Children's Homes Flexible Purchasing System (FPS).						
	B	Equalities Impact Assessment						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?		Yes	x	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.			
			No					
			Exemption Paragraph Number					
			1	2	3	4	5	6
18b	Confidential/exempt briefing report title: Commissioned Placement Sufficiency Plan 2022/23 – Award of contract for Peninsula Residential Children's Homes Flexible Purchasing System (FPS) – Part 2 report				x			
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)			Exemption Paragraph Number					
			1	2	3	4	5	6
N/A								
Council Officer Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature				Date of decision		20 January 2023		
Print Name		Sharon Muldoon						

COMMISSIONED PLACEMENT SUFFICIENCY PLAN 2022/23 – AWARD OF CONTRACT FOR PENINSULA RESIDENTIAL CHILDREN'S HOMES FLEXIBLE PURCHASING SYSTEM (FPS)
Part I report


1. Purpose and recommendations

The purpose of this paper is to provide an update on a sub-regional procurement to put in place a new contract with residential children's homes. At Cabinet in March 2022, agreement was given to proceed with the procurement as part of proposals to support placement sufficiency in 2022/23, with the contract award decision delegated to the Director of Children's Services.

This paper sets out the procurement process, the outcome and impact of the tender and recommendations for contract award as a delegated decision. This is based on analysis of both the quality and price (commercial aspects) of the submissions. Further detail of the commercial evaluation are set out in a separate Part 2 report.

It is recommended that the following providers are awarded a contract, for a period of 9 years (from 1st February 2023 – 31st January 2032). The listed providers have successfully met the quality requirements for the tender:

Lot 1 - Residential Children's Homes for Children in Care	Lot 2 Innovation and Partnership Working – Residential Children's Homes
Acorn Education and Care Services Ltd	Birchwood Independence Ltd
Aspris Children's Services Limited	Cambian Childcare Limited
Birchwood Independence Ltd	Central and Southern Homes
Cambian Childcare Limited	Five Rivers Child Care Limited
Central and Southern Homes	Mutual Care Ltd
Five Rivers Child Care Limited	Next Step Independence Ltd
IDEM Living Ltd	Phoenix Learning and Care Limited
Headway Adolescent Resources Ltd	
Keys PCE Limited	
Mutual Care Ltd	
Next Step Independence Ltd	
Phoenix Learning and Care Limited	

2. Background

12% of children and young people in Plymouth's care are placed in residential children's homes. These placements are currently provided external Ofsted registered providers. Residential care is used for children and young people with the most complex needs, although over the last year a lack of available foster placements has occasionally led to children with fostering needs being placed for a period of time in residential care. Modern children's homes are very different from more institutional models of care used in the past; homes tend to be small (less than 4 beds and often no more than 2) with a homely feel and a dedicated staff team working with the child.

The use of commissioned children's home placements has been rising over the last 8 years, partly due to a rise in the number and complexity of children coming into care particularly as teenagers and challenges with recruiting foster carers able to care for children with more complex needs:

- April 2014: 26
- April 2022: 52

Work is underway to reverse this trend, with more robust scrutiny of care planning for children who are already in residential care, alongside reviewing the reasons why children come into care during their adolescence, to see what further preventative measures to support families can be put in place.

3. Current contractual arrangements

When a residential children's home placement is needed, long standing contractual arrangements with Peninsula local authority partners have proved to be essential in supporting the Council's sufficiency duty. Since 2006 Plymouth City Council has collaborated with Peninsula partners including Devon County Council, Torbay Council and Somerset County Council to commission over-arching contracts for residential children's homes. The current contract began on 1st April 2019, with Devon County Council as the lead commissioner. It is a framework contract, which doesn't commit the local authority to commissioning any placements, but ensures that there is a clear expectation of quality and price if placements are used. The framework had an annual entry point for providers to add provision to the contract. The current contract sits alongside a Plymouth-focused block contract for local children's homes and spot purchased residential placements as part of a suite of measures to support sufficiency.

The current annual spend on residential care is £17.8m, with approximately £2.974m spent via the Peninsula residential contract.

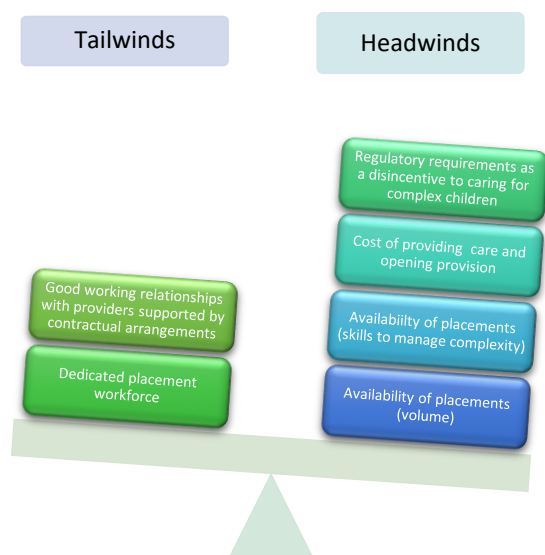
The contract includes residential children's homes operating in Devon, Cornwall and Somerset, as well as nationally. All agencies are required to be registered with Ofsted and are regularly inspected. Fees for the service are based on a weekly charge, to cover the cost of caring for the child (including staffing and all accommodation and subsistence) and overheads for the organisation.

Over time, residential children's home providers have engaged less with traditional framework contracts; due to high levels of demand nationally there has been less incentive to sign up, and providers are able to alter their fees more freely under spot purchase arrangements. The complexity of how framework contracts have been managed has also been off-putting to providers. Ways of incentivising providers to want to engage with the new Peninsula contract were considered as part of the procurement process.

Current contract performance

The current Peninsula framework contract has generally performed well, with children's home providers engaging well with commissioners and seeking to place local children in local beds. Providers have worked proactively with local authorities where improvement plans have been needed. Providers have continued to recruit staff and look at expansion, although it is recognised that this is a challenging operating environment. Research from the Independent Children's Homes Association estimates that up front costs to set up a new children's home are between £500k and £1m.

There are ongoing challenges in finding staff/carers with the skills needed to care for children with the most complex needs, such as those who are in crisis or who are stepping out from Tier 4 mental health provision or welfare secure. The "head and tail winds" for providers are set out below:



4. New contractual approach

The new Peninsula contract has been procured in line with the requirements of regulation 84 of the Public Contracts Regulations 2015 as a Flexible Purchasing System (FPS). This will enable Peninsula Authorities to continue to support our existing Providers and encourage new entrants to join on local terms at any point therefore maintaining competition within the FPS. The introduction of an Innovative and Partnership Working (Lot 2), will allow the Peninsula Authorities to undertake targeted collaborative projects with providers to develop a needs-based market solution to known gaps in services for groups of children and young people with specific, and often complex need profiles.

Under the new FPS there are 2 Lots:

Lot	Purpose
Lot 1 Residential Children's Homes for Children in Care	<ul style="list-style-type: none"> These will enable children to live in residential homes, where they will receive high quality care in a safe and enriching environment, supporting a broad range of needs, including emotional and behavioural issues, sexualised behaviours, and physical disabilities. Understanding of the difficulties children may have experienced and how this may present, will require a therapeutic parenting approach. Services will be needed for a variety of reasons and durations. It is intended that residential children's homes are not used as an end destination for children in care; but are used appropriately to enable stability, safety and support to children and young people so that they can be supported towards family reunification where it is safe and appropriate, step forward to a family foster home, build their interdependence for early adulthood, and always having high aspirations for them.
Lot 2 Innovation and Partnership Working – Residential Children's Homes	<ul style="list-style-type: none"> This Lot is intended to allow commissioners to design, and with the providers, deliver bespoke services designed to meet complex needs that are not easily met through standard residential care. One way could be through a competitive conversation to enable specialist support to be put in place in response to a child or young person's individual needs, with additional elements reflected within the individual placement agreement (IPA). This type of approach will also create scope for targeted, developmental work with our providers to develop a multi-disciplinary model of residential assessment provision for children and young people in crisis, which will focus on meeting the needs of children who experience high placement instability. To facilitate this Peninsula Authorities will explore different delivery models, for example, but not limited to:

	<ul style="list-style-type: none"> ○ A form of shared funding or risk sharing. ○ A formalised joint venture. ○ A shared service, for example, one of the Peninsula Authorities provides the accommodation and provider supplies the staffing model. ○ Setting up a new children's home to meet the specific needs either of an individual or a cohort, such as emergency provision.
--	---

The aim is that children and young people living in a children's home will positively benefit and through the support provided will achieve the following outcomes:

- Every child needing a home should find one is available for them as close to home as possible.
- Every child should be able to trust that their home is theirs for as long as they need it.
- Every child should be heard, seen and safe.
- Every child should be supported to develop and maintain important relationships.
- Every child should be getting education and mental health care.
- Every home should be giving children the ability to develop and pursue their interests.
- Children leaving care should be supported to stay close and linked to their children's homes.

Award of the FPS will help to ensure that Peninsula partners can secure high quality residential children's homes through providers that have been tested for capacity, capability, cost and quality.

Devon County Council is the lead authority for the joint procurement for Peninsula Residential Children's Homes FPS. The duration of the FPS will be a total of 9 years. A 9 year contract provides the children's home providers with some stability and also enables the Peninsula authorities to stagger future strategic tendering projects and give sufficient time to develop the next generation of commissioning activity.

Break clauses have also been agreed within the contract mechanism to mitigate any risks that may materialise with a long-term contract. The contract duration is as follows:

FPS initial term: 1st February 2023 – 31st January 2028

Extension Period 1*: 1st February 2028 – 31st January 2030

Extension Period 2*: 1st February 2030 – 31st January 2032

* At the Authorities' discretion

5. The procurement

The procurement process was led by Devon County Council as lead commissioner on behalf of Plymouth City Council, Torbay Council and Somerset County Council.

The procurement strategy was to put in place an FPS (light-touch regime equivalent to a Dynamic Purchasing System). This FPS would have two lots as detailed in the section above and a number of different methods for calling off both lots including direct award and mini competition.

The FPS will provide a structure that can be used for the basis of all future develops within the market as it is a flexible approach to the market. This will enhance the way in which we commission residential placements and the ability to work collaboratively with market providers.

The procurement strategy was developed to address feedback from the provider market including the need to develop closer partnership style working relations. Peninsula partners will continuously engage and encourage market providers to join the FPS as they see the advantages of working in this way with us as commissioners.

This contractual arrangement will be open for existing providers to add new provisions and new providers/provisions to join at any time during the life of the FPS.

Market Engagement

A prior information notice (PIN) was published on the Procurement Portal on 25th July 2022.

A virtual market engagement meeting was held on 10th August 2022 and led by Peninsula partners to discuss re-tendering for Residential Children's Homes. This included an outline of services and open discussion with the market to inform the design of the service. Providers were given an opportunity to book 10-minute slots, following the event, with commissioners to encourage more open and constructive feedback. Three providers responded to this opportunity and notes were taken and published on the tendering portal for transparency purposes.

A tender launch virtual meeting was held on 7th October 2022. This was an opportunity for providers to familiarise themselves with the tender documentation and requirements of the tendering opportunity. The presentation slides and questions and answers from the meeting were published on the tendering portal.

Subsequent Tendering Application Workshops were held for providers to provide practical support and guidance to submit bids onto the tendering portal.

The Tender Process

A Tender Notice under the Light Touch Regime was published on 5th October 2022. A Tender advertisement was also placed in Find a Tender Service on 5th October 2022. The Invitation to Tender was issued via www.supplyingthesouthwest.org.uk on the 5th October 2022. The tender return deadline was 12 noon 4th November 2022. This initial tendering period was to set up the FPS and encourage as many providers as possible to join early on.

The FPS will subsequently re-open on the 1st February 2023 and will be continually open for the duration of the contract term. This will enable providers to add homes as soon as they are registered and new providers to join the FPS at any time.

FPS Selection Criteria

The selection criteria published in the invitation to tender and on-line questionnaire were as follows:

Part 3: Selection Questions			
Section 4 - Economic and Financial Standing			
	1.1 (a) – 1.2 (b)	Bidder's financial capacity, health and dependency assessment.	Pass/Fail
Section 5 – Wider Group			
	2.1	Parent Company Accounts	Pass/Fail (if relevant)
	2.2	Parent Company Guarantee	Pass/Fail (if relevant)
	2.3	Alternative Guarantee	Pass/Fail (if relevant)

Part 3: Selection Questions			
Section 6 – Modern Slavery			
	3.1	Relevant commercial organisation as defined by section 54	Pass / Fail
Section 7 - Additional Questions			
Section 7.1	4.1.1 – 4.1.7	Insurances	Pass/Fail
Section 7.2	4.2.1 – 4.2.6 (iii)	Compliance with Equality Legislation	Pass/Fail
Section 7.3	4.3.1 – 4.3.2	Health & Safety	Pass/Fail
Section 7.4	4.4.1 – 4.4.19	Information Security	Pass/Fail
Section 7.5	4.5.1	Carbon Emissions Reporting	Pass/Fail
Section 7.6	4.6.1 – 4.6.15	Safeguarding	Pass /Fail (for all elements)
Section 7.7	4.7.1	Subcontractors	Pass/Fail (if relevant)
Section 7.8	4.8.1 – 4.8.4	Licensing and registration	Pass /Fail
Section 7.9	4.9.1 – 4.9.3	Social Value	Information Only
Section 7.10	4.10.1	Staff	Information Only
Section 7.11	4.11.1	Lots	Information Only
Section 7.12	4.12.1 – 4.12.3	Certificates	Pass/Fail
Section 7.13	4.13.1	Financial Submission – Pricing Schedule	Information Only
	4.13.2	Financial Submission - declaration	Pass/Fail

28 invitations to tender were issued. The following **14** bidders submitted a response:

- Acorn Education and Care Services Ltd
- Aspris Children's Services Limited
- Birchwood Independence Ltd
- Cambian Childcare Limited
- Central and Southern Homes
- Five Rivers Child Care Limited
- IDEM Living Ltd
- Headway Adolescent Resources Ltd
- Keys PCE Limited
- Mutual Care Ltd
- Next Step Independence Ltd
- Parkview Care (Broadstairs) Limited
- Phoenix Learning and Care Limited
- What's Out There Limited

There were no opt outs for this stage of the tendering opportunity.

Award Criteria

The award criterion for Lot 1 was based on the Residential Childrens' Home Ofsted grading. Each home had to have a grading of Requires Improvement or above (or equivalent) to pass the Award Criteria and be promoted to the FPS.

The award criterion for Lot 2 was based on the bidder's Ofsted grading. The bidder had to have a grading of Requires Improvement or above (or equivalent) either as an organisation or through its provisions to pass the Award Criteria and be promoted to the FPS.

Tender Evaluation

The bids were checked for compliance by Devon Procurement Services to ensure that all bidders had fully completed the selection criteria in accordance with the instructions contained within the documentation. Bidders had to self-certify that they met the requirements stipulated above and provide evidence where applicable.

Summary of Tenderers and Assessment

The following Providers submitted compliant bids and passed the selection criteria:

	Bidder	No of homes	Total No of Beds	No of beds in Peninsula Boundaries	No of beds Outside boundaries
Lot 1	Acorn Education and Care Services Ltd	5	20		20
	Aspris Children's Services Limited	5	19	13	6
	Birchwood Independence Ltd	1	1	1	
	Cambian Childcare Limited	4	12	6	6
	Central and Southern Homes	1	5	5	
	Five Rivers Child Care Limited	7	25	3	22
	IDEM Living Ltd	3	5	5	
	Headway Adolescent Resources Ltd	6	18	6	12
	Keys PCE Limited	7	23	23	
	Mutual Care Ltd	2	10	10	
	Next Step Independence Ltd	1	2		2
	Phoenix Learning and Care Limited	1	1	1	
		43	141	73	68

	Bidder
Lot 2	Birchwood Independence Ltd
	Cambian Childcare Limited
	Central and Southern Homes
	Five Rivers Child Care Limited
	Mutual Care Ltd
	Next Step Independence Ltd
	Phoenix Learning and Care Limited

Unsuccessful bids

The following Residential Homes are not yet inspected by Ofsted and therefore were not successful at this time, but may re-apply at any time when the FPS reopens, following an inspection and grading of requires improvement or above:

	Bidder	No of homes	Total No of Beds	No of beds in Peninsula Boundaries	No of beds Outside boundaries
Lot 1	Central and Southern Homes	2	5		5
	IDEM Living Ltd	1	2	2	
	Headway Adolescent Resources Ltd	1	4	4	
	Parkview Care (Broadstairs) Limited	1	4		4
		5	15	6	9

	Bidder
Lot 2	Central & Southern Homes
	Central & Southern Homes

The following Residential Home Providers have failed the information security assessment, following a review of their responses by the Devon County Council Information Governance Team:

	Bidder	No of homes	Total No of Beds	No of beds in Peninsula Boundaries	No of beds Outside boundaries	Reason
Lot 1	Parkview Care (Broadstairs) Limited	2	9		9	Provider failed to submit responses to clarifications
	What's Out There Limited	1	3	3		Failed to demonstrate that they have deployed a level of security control that will reduce cyber threats. Therefore, is a medium risk to the commissioning partners
		3	12	3	9	

Lot 2	Bidder
	What's Out There Limited

Further details of the tender scores for each provider and the financial evaluation are available in the Part 2 report.

TUPE Considerations

There are no TUPE implications in the award of this contract.

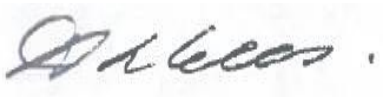
The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

This page is intentionally left blank

EQUALITY IMPACT ASSESSMENT TEMPLATE

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Emma Crowther	Department and service:	Strategic Commissioning	Date of assessment:	14 th February 2022
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Anna Coles	Signature:		Approval date:	21/02/2022
Overview: Please use this section to provide a concise overview of the proposal being assessed including: <ul style="list-style-type: none"> ▪ Aims and objectives (including rationale for decision) ▪ Key stakeholders ▪ Details of any engagement activities 	<p>The proposal is to carry out a range of strategic commissioning activity via procurements and engagement with the placement provider market to secure and develop good quality placements for Plymouth children and young people in care.</p> <p>Children and young people in care need to be able to access a range of placements able to meet their needs, including provision such as foster placements and children's homes. For older young people, it is important to also be able to offer placements which focus on developing independent living skills, as preparation for adulthood. The aim of the procurement is to work with the current providers who offer good quality provision, and attract others to work with us to support Plymouth young people. It is also a key aim to increase the number of locally available placements, within the Plymouth city boundary or within commutable distance.</p> <p>We will ensure that we consult with placement providers as part of the co-design of any commissioning activity and future contracts, with a focus on achieving positive outcomes for children. This will also include, where appropriate, gathering the views of children and young people in care to ensure that commissioned provision meets their needs. We will also consider as part of any service design the recommendations from the Independent Review of Children's Social Care when the report is published, as this is expected to make some recommendations about the commissioning of children's placements.</p>				
Decision required: Within this section, you must be clear on any decision being made and how/when, it will be taken.	Permission is being sought from Cabinet on the 8 th March 2022 to proceed with a range of activity to increase the availability and quality of placements for children and young people in the care of Plymouth City Council.				

SECTION TWO: EQUALITY IMPACT ASSESMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	X
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	X
Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section two)	Yes		No	X
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.	The proposal aims to ensure that the needs of the child in care population are more fully understood by placement providers, supporting them to have stability and being able to engage with education, health services and social networks. Nevertheless, I have set out some of the key data in respect of this cohort below to provide assurance.			

SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
Age	There are currently 492 children and young people in care in Plymouth as at 14 February 2022. This equates to a rate of 92.3 per 10,000 compared to the England average rate of 67.0 per 10,000 (published figure for 31 March 2021).	No adverse impact	Any procurement and engagement with the provider market will aim to increase the supply of suitable placements, offering greater choice in meeting the needs of children and young people at all ages.	Strategic Commissioning – by the time of any tender launches. Social worker/Personal Adviser to monitor progress through care planning/pathway planning.

Disability	<p>A proportion of young people in care will have a diagnosed disability such as a learning disability. Some will have an undiagnosed disability. It is important that young people with a disability are not disadvantaged by using the service.</p> <p>On 14/02/2022, 22.2% of the children in care had a 'disability' according to classifications. For care leavers this figure was reported at 21.7%</p>	No adverse impact	Ensure that the specification and service delivery reflect the full range of needs of the children and young people using the service so that this is well understood.	<p>Strategic Commissioning – by the time of any tender launches.</p> <p>Social worker/Personal Adviser to monitor progress through care planning/pathway planning.</p>
Gender reassignment	<p>There are no official estimates for gender reassignment at either national or local level.</p> <p>However, in a study funded by the Home Office, the Gender Identity Research and Education Society (GIRES) estimate that between 300,000 and 500,000 people aged 16 or over in the UK are experiencing some degree of gender variance.</p>	No adverse impact	Providers selected by any procurements will understand the need to support children and young people into the next phase of their life. Providers will also need to understand the range of support services in the city.	<p>Strategic Commissioning – by the time of any tender launches.</p> <p>Social worker/Personal Adviser to monitor progress through care planning/pathway planning.</p>
Marriage and civil partnership	<p>There were 234,795 marriages in England and Wales in 2018.</p> <p>In 2020, there were 7,566 opposite-sex civil partnerships formed in England and Wales, of which 7,208 were registered in England and 358 were registered in Wales.</p> <p>There were 785 civil partnerships formed between same-sex couples in England and Wales in 2020, of which 745 were registered in England and 40 were registered in Wales.</p>	No adverse impact	Providers selected by any procurements will understand the need to support children and young people into the next phase of their life. Providers will also need to understand the range of support services in the city.	<p>Strategic Commissioning – by the time of any tender launches.</p> <p>Social worker/Personal Adviser to monitor progress through care planning/pathway planning.</p>
Pregnancy and maternity	Young people in care and care leavers will require support with a range of issues, including pregnancy for a small proportion prior to their 19th birthday.	No adverse impact	Providers selected by the procurements will understand the need to support young people into the next phase of their life.	<p>Strategic Commissioning – by the time of any tender launches.</p> <p>Social worker/Personal Adviser to monitor progress</p>

			Providers will also need to understand the range of support services in the city to facilitate effective pathway planning.	through care planning/pathway planning.
Race	<p>The SSDA903 return to DfE showed that 92.8% of the Plymouth children in care population define themselves as White (as at 31/03/2021)</p> <p>Those identifying as White British or White English equated to 88.2% of the Plymouth children in care population. This figure excludes those identifying White Irish or White Other.</p>	No adverse impact	Ensure that the specification and service delivery reflect the full range of needs of the children and young people using the service so that this is well understood	<p>Strategic Commissioning – by the time of any tender launches.</p> <p>Social worker/Personal Adviser to monitor progress through care planning/pathway planning.</p>
Religion or belief	Young people in care may follow a range of religions or faiths. It is important that they are supported by placement providers to practice their beliefs and engage with religious and faith communities as they wish.	No adverse impact	Ensure that the specification and service delivery reflect the full range of needs of the children and young people using the service so that this is well understood.	<p>Strategic Commissioning – by the time of any tender launches.</p> <p>Social worker/Personal Adviser to monitor progress through care planning/pathway planning.</p>
Sex	50.2 per cent of our population are women and 49.8 per cent are men.	No adverse impact	Any procurement and engagement with the provider market will aim to increase the supply of suitable placements, offering greater choice in meeting the needs of all children and young people in care.	<p>Strategic Commissioning – by the time of any tender launches.</p> <p>Social worker/Personal Adviser to monitor progress through care planning/pathway planning.</p>
Sexual orientation	There are no official estimates for sexual orientation at a local level. There is no precise local data on sexual orientation in Plymouth.	No adverse impact	Providers selected by any procurements will understand the need to support children and young people into the next phase of their life. Providers will	<p>Strategic Commissioning – by the time of any tender launches.</p> <p>Social worker/Personal Adviser to monitor progress</p>

	<p>Data based on the ONS Annual Population Survey 2017 estimates, approximately 1.7 per cent of the UK population is lesbian, gay or bisexual (LGB).</p> <p>Young people in care and care leavers are likely to mirror the wider population, with a range of sexual orientation.</p>		also need to understand the range of support services in the city.	through care planning/pathway planning.
--	--	--	--	---

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
<p>If your proposal may impact on the Council's ability to ensure human rights, please specify the relevant article in the boxes below – add more rows if required. Only complete this section if it is relevant to your decision. If it is not relevant, please type 'not applicable'.</p>	Not applicable	Not applicable	Not applicable

SECTION FIVE: OUR EQUALITY OBJECTIVES

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
Celebrate diversity and ensure that Plymouth is a welcoming city.	The proposals aim to ensure that Plymouth children and young people in care are safe, supported and feel welcomed in their home city, with care providers having a full understanding of their needs	Not applicable	Not applicable
Pay equality for women, and staff with disabilities in our workforce.	Not applicable		

Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	Not applicable – relates to externally commissioned services	Not applicable	Not applicable
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	The proposals aim to ensure that Plymouth children and young people in care are safe, and supported by carers who understand the services available in the city and would encourage them to report any hate crimes they or others experience	Not applicable	Not applicable
Plymouth is a city where people from different backgrounds get along well.	The proposals aim to ensure that Plymouth children and young people in care are safe, supported and feel welcomed in their home city, with care providers having a full understanding of their needs, but also that children and young people understand their role as they grow older in helping Plymouth to be a tolerant and caring city	Not applicable	Not applicable

EXECUTIVE DECISION

made by a Council Officer




REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – COD35 22/23

Decision				
1	Title of decision: Woolwell to The George Transport Scheme: Phase I Enabling Works			
2	Decision maker: Paul Barnard, Service Director for Strategic Planning and Infrastructure			
3	Report author and contact details: Leana Hannon leana.hannon@plymouth.gov.uk			
4a	Decision to be taken: To approve the award of contract to Balfour Beatty, to undertake enabling works for Phase I of the Woolwell to The George Transport Scheme. The value of this contract is £484,311.			
4b	Reference number of original executive decision or date of original committee meeting where delegation was made: Cabinet, 09 November 2021 - Minute 201			
5	Reasons for decision: To begin enabling works to support Phase I of the Woolwell to The George Transport Scheme which is being delivered through the Scape Procure Civil Engineering & Infrastructure Framework. The enabling works include tree removal, vegetation clearance and demolition.			
6	Alternative options considered and rejected: Alternative option: Do not award the enabling works contract. This has been rejected as the enabling works are required to support delivery of the project. The construction contract award for the main Phase I works will be approved through a separate delegated decision.			
7	Financial implications and risks: The cost of this contract award is £484,311. The funding for this award has already been accounted for within the approved capital project budget. External Transforming Cities (TCF) funding has been secured to deliver this scheme, and failure to deliver within the defined timescales would result in loss of funding and reputational damage to PCC with the Department for Transport.			
8	Is the decision a Key Decision?	Yes	No	Per the Constitution, a key decision is one which:

	(please contact Democratic Support for further advice)		X	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			X	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million
			X	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
8b	If yes, date of publication of the notice in the Forward Plan of Key Decisions			
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	<p>An efficient and sustainable transport network: This Scheme will improve journey times and reduce congestion while improving the resilience of the transport network in the north of the city.</p> <p>A wide range of homes: The Scheme will provide a key piece of infrastructure required to help deliver the 4,412 new homes identified in the Derriford and Northern Corridor Growth Area.</p> <p>A green, sustainable city that cares about the environment: The Scheme will provide a comprehensive landscape plan and environmental management and enhancement plan which not only mitigates the Scheme's impact but will provide a net gain in biodiversity.</p> <p>The Plymouth Plan: The Scheme specifically supports- Strategic Objective 1: Delivering a Healthy City "Providing a safe, efficient, accessible and health-enabling transport network which supports freedom of movement and active travel and promotes low carbon lifestyles Policy HEA6: Delivering a safe, efficient, accessible, sustainable and health-enabling transport system. Policy GR04: Using transport investment to drive growth</p> <p>There is no anticipated impact on capital / revenue budget as external funding has been secured for this work.</p>		
10	Please specify any direct environmental implications of the decision (carbon impact)	The enabling works include vegetation and tree removal. A full landscaping mitigation plan will be implemented and Biodiversity Net Gain (BNG) calculations undertaken. A carbon assessment of The Woolwell to The George Transport Scheme will also be undertaken as part of the detailed design process.		

Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision?	Yes	X	
		No		(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Jonathan Drean, Cabinet Member for Transport		
13c	Date Cabinet member consulted	05/01/2023		
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	X	
15	Which Corporate Management Team member has been consulted?	Name	Anthony Payne	
		Job title	Strategic Director for Place	
		Date consulted	23/01/2023	
Sign-off				
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS93 22/23	
		Finance (mandatory)	pl.22.23.343	
		Legal (mandatory)	MS/17.01.23/39365	
		Human Resources (if applicable)		
		Corporate property (if applicable)		
		Procurement (if applicable)	SN/PS/664/ED/0123	

Appendices								
17	Ref.	Title of appendix						
	A	Woolwell to The George Phase I Enabling Works Briefing Report						
	B	Equalities Impact Assessment						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?		Yes	X	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.			
			No					
			Exemption Paragraph Number					
			1	2	3	4	5	6
18b	Confidential/exempt briefing report title:				X			
	Woolwell to The George: Phase I Enabling Works Contract Award Report							
Background Papers								
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
Title of background paper(s)			Exemption Paragraph Number					
			1	2	3	4	5	6
Council Officer Signature								
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
Signature				Date of decision		23/01/2023		

Print Name	Paul Barnard Service Director (SP&I)
-------------------	---

This page is intentionally left blank

WOOLWELL TO THE GEORGE: PHASE I ENABLING WORKS

Briefing Note



1. INTRODUCTION

- 1.1. This contract award report relates to the award of a contract for Phase I enabling works for the Woolwell to The George Transport Scheme (WTTG). The works involve vegetation clearance, tree removal, treatment of invasive species (INNS) and the demolition of properties at 442, 444 and 446 Tavistock Road as necessary to facilitate the Phase I construction works. The contract also includes works to convert 448 Tavistock Road (“the clock house”) to a contractor site office.
- 1.2. The agreed approach to procurement is to utilise the Scape Procure Civil Engineering & Infrastructure Framework. This approach was selected due to the very tight timescales for this project, it has proven to be a successful delivery model for other Council schemes, it is a framework which was awarded to Balfour Beatty through a compliant competitive tender, and it involves competitive tendering of works packages and therefore highlights value for money. The Professional Services Contract (PSC) for design and surveys was previously awarded to Balfour Beatty through the Scape Procure Civil Engineering & Infrastructure Framework, and therefore this enabling works contract is the next element of works to be delivered.
- 1.3. This award report commissions critical works needed to be undertaken to enable the delivery of Phase I of the Woolwell to The George Transport Scheme. In particular the vegetation clearance is necessary ahead of bird nesting season (February-August) and as such the contract is to be enacted promptly to meet the required timeframe and subsequent Phase I delivery programme.

2. BACKGROUND

- 2.1. The Woolwell to The George scheme aims to alleviate congestion at the notorious pinch-point between Woolwell Roundabout and The George, on the A386 Tavistock Road. More than 30,000 vehicles use this section of road each day and there are often queues and delays at peak times, caused by traffic having to merge over very short distances.
- 2.2. The Woolwell to The George Transport Scheme will be delivered in three phases:
 - Phase 1 – Woolwell Crescent junction, A386 Tavistock Road (north of Woolwell Roundabout) and Woolwell Road
 - Phase 2 – Main A386 Tavistock Road widening and new signal junction at Tavistock Road/Woolwell Road
 - Phase 3 – Expansion of The George Park and Ride site to provide additional parking capacity
- 2.3. This award report relates to Phase I only, which is due to commence construction in 2023. A new signalised junction will be provided where Woolwell Crescent joins Tavistock Road allowing vehicles to turn right to travel north. A new left turn into Woolwell Crescent will also be provided.
- 2.4. Woolwell Road is to be upgraded to improve pedestrian and cycle facilities. The amendments on Woolwell Road include a proposed signalised pedestrian junction to facilitate a desire line to the Tesco Superstore, shared use cycle/pedestrian facilities on both sides of the carriageway,

and amendments to tie in to the proposed junction on the A386 Tavistock Road / Woolwell Road.

- 2.5. Improvements to the Towerfield Drive roundabout are also being explored as part of the detailed design process.

3. REQUIRED PROJECT APPROVALS

- 3.1. The works constitute permitted development and a Certificate of Lawful Development has been issued by Plymouth City Council as the Local Planning Authority (Application No: 22/01469/PRUS). Planning permission is therefore not required. An Environmental Impact Assessment (EIA) screening has also been undertaken. This followed a formal screening request to the Local Planning Authority and it has been confirmed that the project does not constitute EIA development (Ref: 22/01460/ERS103). All necessary surveys, such as an Arboriculture Impact Assessment, habitat surveys and invasive species inspections have been undertaken.
- 3.2. The Phase I scheme funding of £5m was added to the PCC capital programme from the Transforming Cities Fund (TCF) allocation in January 2022. Phases 2 and 3 are to be funded from the Levelling Up Fund (LUF) which was secured in October 2021. The deadline for spending the TCF funding was end of March 2023. Plymouth City Council has submitted a request for an extension to the TCF funding deadline which is currently under review by the DfT.
- 3.3. Additional approvals to be obtained include the Traffic Regulation Orders and the Temporary Traffic Regulation Orders. TTRO applications have been submitted (December 2022) for Woolwell Road, Woolwell Crescent and Tavistock Road as required for the enabling works for which approval is anticipated imminently.
- 3.4. Third party agreement is required to clear vegetation from land owned by Tesco. The clearance is needed to allow the construction works by temporary permit. No permanent land take is required from Tesco property. Plymouth City Council are to obtain the approvals and licences as required to deliver the Project.
- 3.5. Disconnections of utilities to Council owned properties 442, 444 and 446 Tavistock Road is required ahead of the demolition of the properties and these are being progressed with the relevant parties. A demolition application and section 80 building control application have also been submitted, and approval is expected in early February.

4. PROCUREMENT STRATEGY

- 4.1. Following a review of the procurement options with the Council's Procurement and Legal teams in 2022, it was concluded that the Scape Procure Civil Engineering and Infrastructure Framework was the most suitable mechanism to procure the Woolwell to The George Transport Scheme contracts, utilising Schedule Ten; Enabling Works/Short Construction Delivery Agreement.
- 4.2. The choice of this framework and the various options were previously detailed in the Professional Services contract award report (Ref: COD05 22/23).
- 4.3. The Scape Group is a Local Authority controlled company wholly owned by Derby City, Derbyshire County, Gateshead, Nottingham City, Nottinghamshire County and Warwickshire County Councils in equal shares.
- 4.4. Scape was formed under section 95 of the 2003 Local Government Act and incorporated on 21 December 2005. It began trading on 1 April 2006. Scape acts as a Contracting Authority and Central Purchasing Body as defined in the EU Procurement Directives.

- 4.5. The Group's vision is to be leaders in collaborative working, providing cost effective solutions by using simple, easy to use and hassle free processes which deliver an inclusive and engaging experience for clients and the communities they serve.
- 4.6. Scape Procure Civil Engineering & Infrastructure Framework is delivered by Balfour Beatty, a leading international infrastructure group with more than 100 years of experience in complex infrastructure projects. Works under the Civil Engineering and Infrastructure Framework are valued from £1m to £40m and above.
- 4.7. This framework enables civil engineering and infrastructure works in sectors such as environmental, engineering, transportation, leisure, recycling and waste, defence, ports, harbours and marine, flood defence and coastal engineering, energy, education, industrial, commercial and other public sector assets.

5. ENSURING VALUE FOR MONEY WITH THE SCAPE FRAMEWORK

- 5.1. This procurement path ensures value for money as the Scape Framework is an OJEU compliant and OJEU procured framework. It was subject to EU wide competition when it was set up to ensure/maximise value for money and quality.
- 5.2. Balfour Beatty were awarded the contract as a sole supplier based on their competitive tender and is able to further demonstrate value for money by competitively tendering the sub-contracted work packages through its extensive supply chain. This means that all of the project spend under this framework will have been subject to competition. Even though Balfour Beatty is the sole supplier under this framework this does not result in a monopolistic situation as Balfour Beatty were subject to EU wide competition to win the framework opportunity in the first place and the construction work for the project will be competitively tendered by Balfour Beatty. The Council can have input into that sub-contracting process if it wishes to.
- 5.3. The Scape Framework has also been used to procure design and construction services as part of the Council's South Yard project, Charles Cross Roundabout Redevelopment and more recently, the Forder Valley Link Road scheme, which have reported a good positive experience.
- 5.4. WTTG Phase I pre-construction works have been procured and delivered through the Scape framework using a PSC. Through this contract Balfour Beatty are to deliver the design services. The intention is for the Construction works to be delivered under the framework as Design & Build allowing compliancy with procurement processes and consistency for delivery.

Contractor's Procurement and Management of Supply Chain

- 5.5. Although the Scape Framework is a sole supplier award, best value through Balfour Beatty's supply chain is achieved through competitively tendering individual work packages where sub-contractor prices are required through its extensive supply chain. This approach demonstrates value for money by all of the project spend under this framework being subject to competition. By fostering collaborative, honest and open relationships, Balfour Beatty can drive performance improvement across all areas of their supply chain.

Enhancing Value

- 5.6. By working in partnership with key supply chain partners, Balfour Beatty enhance value and minimise risk; specific examples of this include the following:
 - Collaborative planning forums – removes duplication and re-work for follow-on trades, by identifying constraints which may impact on interfacing works;
 - Risk and opportunity workshops – identifying key risks and opportunities which are jointly managed across all suppliers for particular work sections;

- Value stream mapping – ensuring that offsite fabrication aligns with the required delivery programme and identifying bottlenecks to allow early mitigation;
- Co-location of supply chain and project staff – teams working together, removing the risk of segregation;
- Expedition of critical materials – actively managing demand peaks and troughs to avoid delays.

Tendering Processes – Approval, Selection and Performance Management

5.7. A critical aspect of the project delivery is ensuring the correct supply chain are engaged. Balfour Beatty do this with their supply chain through the implementation of strict supply chain selection and approval processes which includes:

- Supply Chain Rationalisation – Balfour Beatty review the volume of suppliers they actively trade with to ensure that they work with only the best suppliers and drive efficiencies.
- Supplier Approval Process – all new suppliers and subcontractors are required to undergo a rigorous pre-qualification assessment procedure and are required to demonstrate their capabilities and competence in all aspects of their business.
- Supplier Performance Management – once approved, annual audits are carried out to ensure standards are maintained and continuous improvement targets are set and achieved. Where necessary, improvement plans are implemented to increase performance.
- Supplier Selection – Balfour Beatty use an evaluation tool to identify and select supply chain partners based on a series of value adding criteria (not simply lowest price). The selection criteria for each package is bespoke to reflect the constraints, risks and opportunities associated with that specific element of works. Selection criteria can include:
 - Health and Safety Culture
 - Technical expertise and competence of supervisors and technical support
 - Capability and Capacity (including track record for delivery)
 - Use of local labour force and a local supply chain
 - Competitiveness of a robust price and transparency of cost base
 - Robust risk assessments and risk mitigation plans
 - Effective project controls to manage quality (systems, processes and practical evidence), time, cost, maintaining and improving programme
 - Proposals for continuous improvement and increasing productivity
 - Supply chain mapping – the identification of sub-tiers of supply, sources of raw materials and country of origin
 - Innovation
 - Sustainability initiatives

Risk Management

5.8. Risk management within a contractor's supply chain is critical and Balfour Beatty ensure that risks are managed and mitigated at a macro level as well as throughout the lifecycle of the project.

- 5.9. Supply chain risks are managed and mitigated through detailed, bespoke procurement strategies.
- 5.10. Some of the most common supply chain risks that Balfour Beatty monitor and manage are:
- Supply Chain Vulnerability – Supply Failure and Supplier Failure
 - Macro-Environmental Risks – Political, Economic, Social, Technological and Legal
 - Anti-Competitive Behaviour – Price Fixing
 - Sustainability – Economic, Social and Environmental
 - Health and Safety – Policy, Performance and Investment
 - Commercial – Cost Certainty
 - Programme – Delivery and Completion
 - Quality – Products and Workmanship
- 5.11. Two of the most significant risks in the current market are that of Supply Failure and Cost Escalation brought about by the increasing likelihood of an imbalance between the demand on the supply chain and their capacity and capability to supply. These risks are managed closely through Balfour Beatty's supplier relationship management programmes and through the effective execution of project procurement strategies.

Managing Health, Safety and Wellbeing

- 5.12. The health, safety and wellbeing of employees and everyone else affected by project activities are fundamental. Balfour Beatty require that everyone who works for or with them:
- Embeds health and safety as core elements in all they do
 - Takes a lead in requiring and delivering excellent health and safety
 - Works with them to eliminate the risk of serious harm from all activities
 - Upholds and promotes their policies and expected behaviours
 - Is intolerant of unsafe behaviour, short cuts and unplanned work
 - Supports those who challenge these unsafe practices, and holds people to account if they don't conform
 - Insists that everyone is involved, informed and engaged
 - Challenges, learns and innovates to reduce risk
 - Reports potentially unsafe incidents and injuries, and investigates fully to learn lessons
 - Comes to work in a fit condition

Sustainable Procurement

- 5.13. Balfour Beatty are committed to working with the supply chain to:
- Maximise the engagement of local labour and suppliers
 - Measure, understand and minimise greenhouse gas emissions and use of water
 - Apply lifecycle thinking to the provision of lower impact products, materials and services
 - Reduce and avoid the disposal of waste to landfill
 - Provide responsibly sourced construction materials with high recycled contents
 - Develop their collaborative approach to sustainable and responsible procurement

- Implement effective controls to guard against Modern Slavery
- Maximise the total amount of social value generated by the project

6. ENABLING WORKS

- 6.2. This award report is for enabling works to support the construction of Phase I of the Woolwell to The George Transport Scheme. To ensure value for money, Balfour Beatty tendered subcontractor packages of work to a number of suppliers with proven competency through mandatory Constructionline Gold accreditation, sustainability in terms of locality and successful delivery of works.
- 6.3. Subcontractor tender packages were issued by Balfour Beatty for Demolition, INNS, Traffic Management and Vegetation Clearance works. Fixed prices were received against a scope of works from prospective subcontractors and tenders evaluated by Balfour Beatty.
- 6.4. Tenders were assessed, compared, and selected on the basis of their adherence to the required scope, competitive price, locality to the scheme and confidence in their ability to deliver based on experience.
- 6.5. Balfour Beatty will be working as the Principal Contractor for the works and are responsible for the management on site and delivery of the works.
- 6.6. The contract is NEC Option A: priced contract with activity schedule.
- 6.7. The scope of works included within the enabling works contract has been reviewed against the subcontractor packages to ensure the works meet the requirements.
- 6.8. Balfour Beatty's cost submission for the enabling works has been reviewed and challenged as appropriate.

7. CONTRACT RISK ALLOCATION AND TRANSFER

- 7.1. The Council has a robust Risk Management Strategy which will be used to manage risks within this project by wherever possible eliminating these risks or providing mitigation to reduce them as far as possible. The scheme delivery strategy is designed to maximise the use of the Council's in house skills and where appropriate pass risk on scheme construction and delivery to those best placed to deal with such risks.
- 7.2. A risk workshop was held during the preconstruction stage. At the workshop, all elements of the scheme development and delivery were discussed, and project risks were captured on a risk register.
- 7.3. The Quantified Risk Assessment will be updated to cover both the design and construction elements of the scheme. Risks have will be allocated to the most appropriate owner and are shown to be either the responsibility of the Council, the Contractor or shared. As it is a live document, this will continue to be reviewed at monthly progress meetings; as risks are closed they will be removed from the Risk Register or if risks materialise they will be placed on an issues log.

8. CONTRACT PROGRAMME

- 8.1. The below programme dates have been submitted by Balfour Beatty and form part of the contract:
- Start Date – Early February 2023

- Completion Date – 28th April 2023

9. CONTRACT MANAGEMENT

- 9.1. The Council already has a robust contract management process in place for this scheme and has secured external Contract Management support through consultants WSP to assist in administration of the enabling works contract.
- 9.2. This approach enables WSP to fully scrutinise and challenge all works and prices on behalf of the Council, in order to ensure that the contractor is achieving value for money and following the approach identified within their brief and the Employer's Requirements. WSP have direct experience of managing highway engineering contracts for many public sector clients, and have recently undertaken this role on Council schemes such as Plymouth Road, Forder Valley Link Road and Forder Valley Interchange.
- 9.3. WSP are also providing contract management for the Phase I PSC contract with Balfour Beatty
- 9.4. Key activities which the Contract Management team (WSP and PCC) will undertake include:
- Ensure that value management procedures are implemented in order to minimise costs without adversely affecting quality;
 - Monitor works progress against both programme and forecast spend profiles, and check quality of the deliverables;
 - Review and agree the assessments of any compensation events;
 - Review and pay monthly and final valuations;
- 9.5. Contract change management will be overseen by the Council and their agents. The Contractor must notify the Client Project Manager, of any matter through an Early Warning, which could increase the prices, delay completion or impair the performance of the works in use.

10. FINANCIAL IMPLICATIONS

- 10.1. This contract award is for the enabling works for Woolwell to The George Phase I.
- 10.2. The total contract value under this award is £484,311.
- 10.3. The funding for this award has already been accounted for within the project budget which is supported by TCF funding.

This page is intentionally left blank


The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

This page is intentionally left blank

EQUALITY IMPACT ASSESSMENT – WOOLWELL TO THE GEORGE

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Leana Hannon	Department and service:	Place	Date of assessment:	24/01/2023
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Philip Heseltine	Signature:		Approval date:	24/01/2023
Overview:	Award of contract to Balfour Beatty for enabling works to support Phase I of the Woolwell to The George Transport Scheme which is being delivered through the Scape Procure Civil Engineering & Infrastructure Framework. The enabling works include tree removal, vegetation clearance and demolition.				
Decision required:	To approve the contract award for enabling works for Phase I of the Woolwell to The George Transport Scheme.				

SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	✓
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	✓
Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section two)	Yes		No	✓
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.	No adverse impacts have been identified.			

SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
--	--	----------------	-----------------------	--------------------------------------

	All data is from the 2011 Census except for age and sex which has been updated with 2021 data. Data will be updated with the 2021 Census data as it becomes available.			
Age	<p>Plymouth</p> <ul style="list-style-type: none"> • 16.4 per cent of people in Plymouth are children aged under 15. • 65.1 per cent are adults aged 15 to 64. • 18.5 percent are adults aged 65 and over. • 2.4 percent of the resident population are 85 and over. <p>South West</p> <ul style="list-style-type: none"> • 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64. • 22.3 per cent are aged 65 and over. <p>England</p> <ul style="list-style-type: none"> • 17.4 per cent of people are aged 0 to 14. • 64.2 per cent of people are aged 15 to 64. • 18.4 per cent of people are aged 65 and over. <p>(Data sourced from the 2021 Census)</p>	No adverse impact has been identified.	None	N/A
Disability	10 per cent of our population have their day-to-day activities limited a lot by a long-term health problem or disability (2011 Census).	No adverse impact has been identified.	Formal crossing facilities will be upgraded to support the visually and mobility impaired.	Project Manager

Gender reassignment	<p>There are no official estimates for gender reassignment at either national or local level (awaiting 2021 Census data).</p> <p>However, in a study funded by the Home Office, the Gender Identity Research and Education Society (GIRES) estimate that between 300,000 and 500,000 people aged 16 or over in the UK are experiencing some degree of gender variance.</p>	No adverse impact has been identified.	None	N/A
Marriage and civil partnership	<p>There were 234,795 marriages in England and Wales in 2018.</p> <p>In 2020, there were 7,566 opposite-sex civil partnerships formed in England and Wales, of which 7,208 were registered in England and 358 were registered in Wales.</p> <p>There were 785 civil partnerships formed between same-sex couples in England and Wales in 2020, of which 745 were registered in England and 40 were registered in Wales.</p>	No adverse impact has been identified.	None	N/A
Pregnancy and maternity	<p>There were 640,370 live births in England and Wales in 2019, a decrease of 2.5 per cent since 2018. The mid-year 2019 population estimates show that there were 2,590 births in Plymouth.</p> <p>The total fertility rate (TFR) for England and Wales decreased from 1.70 children per woman in 2018 to 1.65 children per woman in 2019.</p>	No adverse impact has been identified.	None	N/A

Race	<p>92.9 per cent of Plymouth's population identify themselves as White British. 7.1 per cent identify themselves as Black, Asian or Minority Ethnic.</p> <p>Census data suggests at least 43 main languages are spoken in the city, showing Polish, Chinese and Kurdish as the top three (2011 Census).</p>	No adverse impact has been identified.	None	N/A
Religion or belief	<p>Christianity is the biggest faith in the city with more than 58 per cent of the population (148,917). 32.9 per cent (84,326) of the Plymouth population stated they had no religion (2011 Census).</p> <p>Those who identified as Muslim were just under 1 per cent while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2011 Census).</p>	No adverse impact has been identified.	None	N/A
Sex	<p>51 per cent of our population are women and 49 per cent are men (2021 Census).</p>	No adverse impact has been identified.	None	N/A
Sexual orientation	<p>There is no precise local data on sexual orientation in Plymouth (awaiting 2021 Census data).</p>	No adverse impact has been identified.	None	N/A

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department
	<p>It might not be possible to deliver the necessary improvements without land outside the Council's ownership, however the impact on private landowners will be minimised as much as</p>	<p>Consultation and negotiation will continue to take place with affected landowners.</p>	<p>2025/2026 SP&I</p>

	possible and every effort will be made to secure any necessary land through agreement. Throughout the scheme development regard has and must continue to be had to the fair balance that has to be struck between the competing interests of the individual and those of the community as a whole.		
--	--	--	--

SECTION FIVE: OUR EQUALITY OBJECTIVES

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
Celebrate diversity and ensure that Plymouth is a welcoming city.	No adverse impact has been identified.		
Pay equality for women, and staff with disabilities in our workforce.	No adverse impact has been identified.		
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024	No adverse impact has been identified.		
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.	No adverse impact has been identified.		
Plymouth is a city where people from different backgrounds get along well.	No adverse impact has been identified.		

This page is intentionally left blank

EXECUTIVE DECISION

made by a Council Officer



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – COD37 22/23

Decision	
1	Title of decision: Plymouth and South Devon Community Forest – Trees for Climate Grant Payments I.O 2022-23 Authorisation for Payments
2	Decision maker (Council Officer name and job title): Anthony Payne, Strategic Director for Place
3	Report author and contact details: Peter Hawking-Sach peter.hawking-sach@plymouth.gov.uk
4a	Decision to be taken: Authorise payments to landowners eligible for DEFRA Trees for Climate funding, totalling: - up to £338,400.00 to National Trust, Registered Charity 205846, of Heelis, Kemble Drive, Swindon, SN22Na and up to £148,584.00 to private landowners in Avon Valley
4b	Reference number of original executive decision or date of original committee meeting where delegation was made: L45 21/22
5	Reasons for decision: As lead partner of the Plymouth and South Devon Community Forest, PCC's Community Forest Team and Project Board processes all Trees for Climate funding applications within the Plymouth and South Devon Community Forest project area. The provision of DEFRA's Trees for Climate grant funding for landowners is the fundamental operation in delivering Plymouth and South Devon Community Forest's tree planting. The planting provides a significant contribution to the 500 hectares of planting through to 2025, which will see the project secure up to £8.8m from the Trees for Climate fund. The funding is reliant upon tree planting targets being met. Plymouth's planting is a significant proportion of the wider Community Forest target, and will contribute to goals set out in the JLP, Corporate Plan and Plymouth's Plan for Trees.
6	Alternative options considered and rejected: Do nothing, do not provide DEFRA Trees for Climate Grant funding to landowners within the Community Forest project area.

	Signpost landowners to alternative sources of funding for tree planting across Plymouth and South Devon. Rejected as we have secured Trees for Climate funding to facilitate the planting of trees in Plymouth.			
7	Financial implications and risks: <u>Expenditure</u> Grant award to partners total - £486,984.00 <u>Income - Grant funding secured</u> Trees for Climate fund (Capital) 2022/2023 - £934,192 Trees for Climate fund (Revenue) 2022/2023 - £220,000 The risk that the award presents is low as all funding is secured and provides for all capital items against all planting.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes	No	Per the Constitution, a key decision is one which:
			x	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1million
			x	is significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.
8b	If yes, date of publication of the notice in the Forward Plan of Key Decisions	N/A		
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	Corporate Plan A green, sustainable city that cares about the environment Joint Local Plan - DEV026 Protecting and enhancing biodiversity and geological conservation - DEV028 Trees, woodlands and hedgerows Plymouth Plan - SO1 – Delivering a healthy city - HEA7 - Optimising the health and wellbeing benefits of the natural environment		

10	Please specify any direct environmental implications of the decision (carbon impact)	<p>This programme of works aligns with and supports the delivery of the Plymouth Climate Emergency Action Plan by delivering a programme of works that will enhance and add resilience to the city's green estate.</p> <p>Plymouth currently has just under 400,000 trees which contribute £4.6m of annual benefits to the city through the Ecosystem Services that they provide, including £1.1 million of carbon storage and £2.9 million of pollution removal (i-Tree Eco survey 2020). This work will enhance this service provision.</p> <p>The community forest planting will increase carbon capture/CO2 by 83% from current levels, once fully established, helping us in our fight to become carbon neutral by 2030.</p>
-----------	---	---


Urgent decisions

11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support for advice)
		No	x	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair signature:		Date	
	Scrutiny Committee name:			
	Print Name:			

Consultation

13a	Are any other Cabinet members' portfolios affected by the decision?	Yes		
		No	x	(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?			
13c	Date Cabinet member consulted			
14	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	x	
15		Name	Anthony Payne	

	Which Corporate Management Team member has been consulted?	Job title	Strategic Director of Place					
		Date consulted	18/03/2023					
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS95 22/23					
		Finance (mandatory)	pl.22.23.348.					
		Legal (mandatory)	MS/39681					
		Human Resources (if applicable)	NA					
		Corporate property (if applicable)	NA					
		Procurement (if applicable)	NA					
Appendices								
17	Ref.	Title of appendix						
	A	Briefing report for publication (<i>mandatory</i>) – 230118 Trees for Climate Grant Payments 1.0 Briefing Report 2022-23						
	B	Equalities Impact Assessment (<i>where required</i>) 230118 Trees for Climate Grant Payments 1.0 2022-23 EIA						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information?	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below.				
		No	x					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							

Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Council Officer Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature				Date of decision		24/01/2023		
Print Name		Anthony Payne						

This page is intentionally left blank

PLYMOUTH & SOUTH DEVON COMMUNITY FOREST – Trees for Climate Grant Payments 1.0 2022/23 BRIEFING PAPER



Background

Plymouth and South Devon Community Forest is a partnership programme consisting of PCC, South Hams and West Devon, National Trust, and Woodland Trust. In 2020, a council project mandate was signed and the partnership submitted an expression of interest to England's Community Forests (ECF) team to access DEFRA's 'Trees for Climate' funding package to deliver new woodland and tree planting through March 2025. In 2021, DEFRA and ECF accepted Plymouth and South Devon Community Forest's proposal, and PSDCF has since become England's 11th Community Forest with the vision:

A new 21st century woodland network created by young people to inspire and support future generations of Plymouth and SW Devon. PCF will create space for nature, encourage enterprise, deliver a positive transition to net zero and enable young people to influence their futures.

Delivery against the ambition of 500 hectares of planting will see the project secure up to £8.830m from the Trees for Climate Fund through March 2025.

It accesses a significant and unrivalled source of funding for PCC and its partners to achieve objectives set out in the Joint Local Plan, Corporate Plan, Climate Emergency Action Plan (CEAP) and Plymouth's Plan for Trees.

As lead partner of the Plymouth and South Devon Community Forest, PCC's Community Forest Team processes all Trees for Climate funding applications within the Plymouth and South Devon Community Forest project area. Funding applications are processed and reviewed and scored by the Community Forest team, against the Community Forest's objectives and priorities, and value for money. Applications are then reviewed by the Community Forest assessment panel, comprising members of the project partnership and forestry advisors, before being submitted for Community Forest board approval. Approved applications enter landowner agreements with Plymouth and South Devon Community Forest, and are eligible for receipt of Trees for Climate capital funding.

Trees for Climate Grant Payments 1.0 2022-23 enables PCC to release Trees for Climate Funding to; National Trust, for the planting of 17.4 hectares of woodland; and private landowners, for the planting of 9.86ha of woodland at Avon Valley.

These schemes will be contributing to the 500 hectare target of the Community Forest, utilising the DEFRA 'Trees for Climate' fund as its capital and revenue budget resource.

Benefits and risks

Many of the benefits of the Community Forest have been modelled and are significant, especially in terms of health and wellbeing value to local communities. This is shown in Figure 1 below.

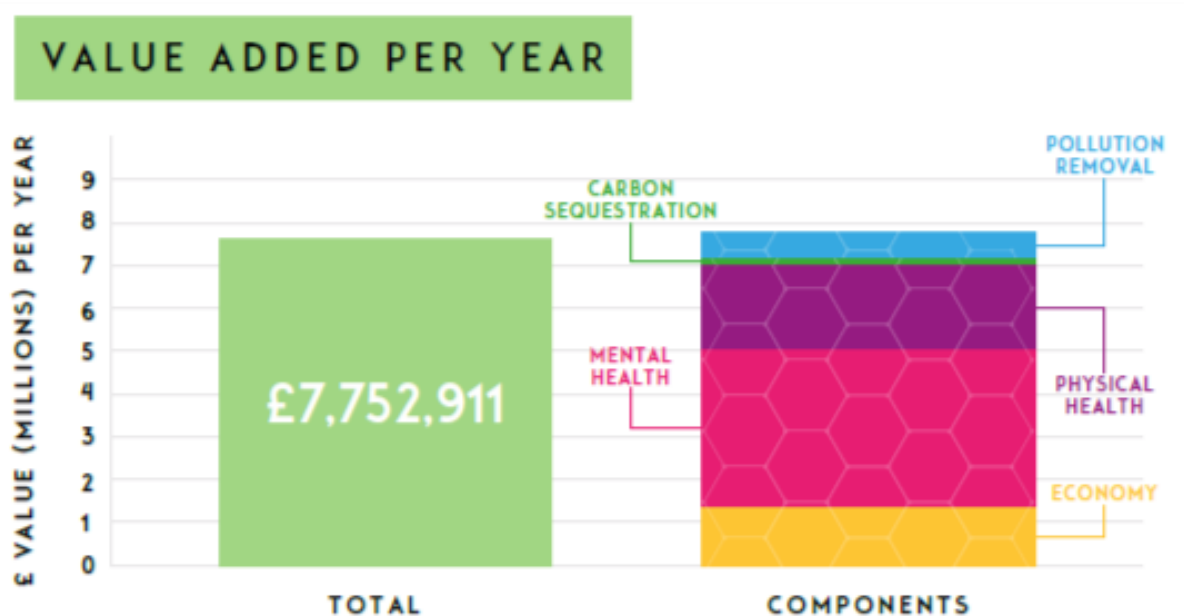


Fig 1. Monetary value added per year from PSDCF (Vivid Economics, 2021)

The objectives of Trees for Climate Grant Payments 1.0 2022/23 as part of the Community Forest project are wide-ranging and capture social, economic and environmental outcomes. These are set out in Table 1 below.

The greatest risks/ challenges for the project now are:

1. to ensure it delivers the Community Forest's committed tree planting in this year, to contribute to the overall programme targets
2. to appropriately plan the planting pipeline and ensure participation in all eligible planting schemes, within the annual tree planting season of November 22 – March 23.

Links to other areas of work

The PSDCF Trees for Climate Grant programme supports the delivery of a number of projects and areas of work including:

- **Habitat Banking** – linked to the new approach to biodiversity net gain required by the Environment Act. Funding secured through the sale of 'biodiversity units' as part of a developing habitat banking market linked to the new requirements of the Environment Act 2021.
- **National Marine Park** – the Community Forest is the green arc of the strategic natural space space encircling the city and complements the ambition of the NMP to have people at its heart.
- **Sustainable Urban Drainage (SUDs)** – potential payment scheme linked to a new approach to surface water management, delivering new SUDs features throughout the City.

5 year priorities for the Community Forest	Target Year 2025 (500 hectares)	Full establishment 2034 (1600ha)	Activities - how we will achieve the targets
Urban & rural regeneration	Local economy uplift: <ul style="list-style-type: none"> ▪ Operational business model for PCF ▪ Estimated creation of 64.7 job years in forestry and 16.8 job years in services to building and landscape including 5 apprentices ▪ Business case for sawmill/firewood ▪ Included in 'Destination Plymouth' visitor strategy ▪ Recognisable branding of PCF as tourism destination 	Local economy uplift: <ul style="list-style-type: none"> ▪ 200 green jobs created ▪ £1,384,111 local property value uplift per year ▪ Destination for ecotourism 	<ul style="list-style-type: none"> ▪ Training and education programmes targeted at local residents. ▪ Create high quality community forest which attracts inward investment. ▪ Sawmill/firewood Community Interest Company (CIC) ▪ Future Forester Apprenticeship programme in place ▪ Agroforestry enterprises ▪ Branding and marketing strategy developed ▪ Reintroduction of beavers and red squirrels ▪ Creation of suitable nesting sites for white-tailed eagle and osprey
Supporting local communities (Engagement & involvement & access)	<ul style="list-style-type: none"> ▪ 320ha publicly accessible woodland ▪ Intergenerational participation with emphasis on young people 	Health uplift Value: <ul style="list-style-type: none"> ▪ Mental health value £3,685,801 per year ▪ Physical health value £2,018,627 per year 	<ul style="list-style-type: none"> ▪ Network of cycle and walking paths ▪ Designated areas for recreation such as mountain biking ▪ Youth Panel steering creation and management of PCF

	<ul style="list-style-type: none"> ▪ Reduced health inequalities across the city 	<ul style="list-style-type: none"> ▪ Projected 300,000 recreational visits per year 	<ul style="list-style-type: none"> ▪ Promotion/marketing of PCF and ways to use it through comms strategy coordinated with partners ▪ Innovative interpretation and creation of art and culture trails
Carbon	<ul style="list-style-type: none"> ▪ Local carbon sequestration monitoring framework in place ▪ PCF approved as seller of carbon credits ▪ Established and enacted impact monitoring programme 	<ul style="list-style-type: none"> ▪ Increase of 10,000 tons of carbon sequestered per year through PCF 	<ul style="list-style-type: none"> ▪ Defined areas left to naturally regenerate to maximize carbon sequestration ▪ Increase in local goods and services to enhance the development of a low carbon circular economy for Plymouth
Improved habitats for wildlife	<ul style="list-style-type: none"> ▪ 320 ha community woodland planted ▪ 110ha private woodland ▪ 70 ha urban woodland/street trees ▪ 2.5km hedgerow ▪ Improved connectivity between existing woodland habitats ▪ Enhancements to 100% existing woodland blocks ▪ Riparian buffer strips enhanced ▪ Improved water quality demonstrated by monitoring ▪ Establishment of priority habitat ▪ Established and enacted impact monitoring programme 	<ul style="list-style-type: none"> ▪ 1100 hectares of additional native broadleaf woodland, orchards and hedgerow ▪ Rewilding principles being applied ▪ Species reintroduction programmes in place including Eurasian beavers 	<ul style="list-style-type: none"> ▪ Combination of re-wilding, enhancing existing woodlands and tree planting ▪ Focus on enhancing riparian corridors

Investment	▪ Fund attracting investment of targeted £100k per year through sale of carbon and biodiversity credits	▪ Investment fund attracting ongoing and increased investment to sustain growth and management of PCF	▪ PCF investment fund and strategy established
------------	---	---	--

Table 1 – Objectives for PSDCF

Summary and Recommendations

The opportunities presented by the partnership being able to access the Trees for Climate funding are significant and provide dedicated resource to meet a range of Corporate objectives linked to social, economic and environmental outcomes. There is a recognised need and ambition to achieve and this provides opportunity to realise this.

It is therefore recommended that the Strategic Director for Place:

- 1. Approves the authorisation for payments of Trees for Climate Grant Funding provided within the landowner agreements for National Trust, and Avon Valley landowners, totalling up to £338,400.00 and up to £148,584.00 respectively. The planting realised from the grant awards to the landowners will contribute 27.26 hectares of this year’s 54 hectare target as part of Plymouth and South Devon Community Forest.

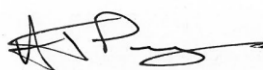
This grant funding will utilise the £934,192 capital programme budget allocated from DEFRA and ECF

Reason: To enable the Council and its partners to maintain the Community Forest’s participation in the ‘Trees for Climate’ delivery programme, and ensures PCC continues its progress to achieving net zero by 2030.

This page is intentionally left blank

EQUALITY IMPACT ASSESSMENT – [PLYMOUTH AND SOUTH DEVON WINTER TREE PROGRAMME 2022-23]

SECTION ONE: INFORMATION ABOUT THE PROPOSAL

Author(s): This is the person completing the EIA template.	Peter Hawking-Sach	Department and service:	Place. Environmental Planning	Date of assessment:	18/01/2023
Lead Officer: Please note that a Head of Service, Service Director, or Strategic Director must approve the EIA.	Anthony Payne	Signature:		Approval date:	24.1.23
Overview:	<p>Plymouth and South Devon Community Forest is a partnership programme consisting of PCC, South Hams and West Devon, National Trust, and Woodland Trust. The Community Forest has been allocated funding from DEFRA through its 'Trees for Climate' fund for delivery against the ambition of 500 hectares of planting, seeing the project secure up to £8.830m from the Trees for Climate Fund through March 2025.</p> <p>Trees for Climate Grant Payments 1.0 2022-23 Trees for Climate Grant Payments 1.0 2022-23 enables PCC to release Trees for Climate Funding to; National Trust, for the planting of 17.4 hectares of woodland; and private landowners, for the planting of 9.86ha of woodland at Avon Valley</p> <p>The grant awards will contribute to the 500 hectare planting target through the delivery of tree planting schemes across the city, South Devon and Dartmoor from November 2022 – March 2025. The programme will contribute to Plymouth's own ambitions towards net zero carbon by 2030.</p>				
Decision required:	Approval authorisation for payments to the landowners included in the Trees for Climate Grant Payments 1.0 2022-23 landowner agreements for woodland creation.				

SECTION TWO: EQUALITY IMPACT ASSESSMENT SCREENING TOOL

Potential external impacts: Does the proposal have the potential to negatively impact service users, communities or residents with protected characteristics?	Yes		No	X
Potential internal impacts: Does the proposal have the potential to negatively impact Plymouth City Council employees?	Yes		No	X

Is a full Equality Impact Assessment required? (if you have answered yes to either of the questions above then a full impact assessment is required and you must complete section two)	Yes		No	X
If you do not agree that a full equality impact assessment is required, please set out your justification for why not.	There is no negative impact to service users, communities or residents with protected characteristics, nor any PCC employees, the project is open to all, and enhanced tree planting will contribute to the health and wellbeing of residents and communities across Plymouth.			

SECTION THREE: FULL EQUALITY IMPACT ASSESSMENT

Protected characteristics (Equality Act, 2010)	Evidence and information (e.g. data and consultation feedback)	Adverse impact	Mitigation activities	Timescale and responsible department
Age	<p>All data is from the 2011 Census except for age and sex which has been updated with 2021 data. Data will be updated with the 2021 Census data as it becomes available.</p> <p>Plymouth</p> <ul style="list-style-type: none"> • 16.4 per cent of people in Plymouth are children aged under 15. • 65.1 per cent are adults aged 15 to 64. • 18.5 percent are adults aged 65 and over. • 2.4 percent of the resident population are 85 and over. <p>South West</p> <ul style="list-style-type: none"> • 15.9 per cent of people are aged 0 to 14, 61.8 per cent are aged 15 to 64. • 22.3 per cent are aged 65 and over. <p>England</p>			

	<ul style="list-style-type: none"> • 17.4 per cent of people are aged 0 to 14. • 64.2 per cent of people are aged 15 to 64. • 18.4 per cent of people are aged 65 and over. <p>(Data sourced from the 2021 Census)</p>			
Disability	10 per cent of our population have their day-to-day activities limited a lot by a long-term health problem or disability (2011 Census).			
Gender reassignment	<p>There are no official estimates for gender reassignment at either national or local level (awaiting 2021 Census data).</p> <p>However, in a study funded by the Home Office, the Gender Identity Research and Education Society (GIREs) estimate that between 300,000 and 500,000 people aged 16 or over in the UK are experiencing some degree of gender variance.</p>			
Marriage and civil partnership	<p>There were 234,795 marriages in England and Wales in 2018.</p> <p>In 2020, there were 7,566 opposite-sex civil partnerships formed in England and Wales, of which 7,208 were registered in England and 358 were registered in Wales.</p> <p>There were 785 civil partnerships formed between same-sex couples in England and Wales in 2020, of which 745 were</p>			

	registered in England and 40 were registered in Wales.			
Pregnancy and maternity	<p>There were 640,370 live births in England and Wales in 2019, a decrease of 2.5 per cent since 2018. The mid-year 2019 population estimates show that there were 2,590 births in Plymouth.</p> <p>The total fertility rate (TFR) for England and Wales decreased from 1.70 children per woman in 2018 to 1.65 children per woman in 2019.</p>			
Race	<p>92.9 per cent of Plymouth's population identify themselves as White British. 7.1 per cent identify themselves as Black, Asian or Minority Ethnic.</p> <p>Census data suggests at least 43 main languages are spoken in the city, showing Polish, Chinese and Kurdish as the top three (2011 Census).</p>			
Religion or belief	<p>Christianity is the biggest faith in the city with more than 58 per cent of the population (148,917). 32.9 per cent (84,326) of the Plymouth population stated they had no religion (2011 Census).</p> <p>Those who identified as Muslim were just under 1 per cent while Hindu, Buddhist, Jewish or Sikh combined totalled less than 1 per cent (2011 Census).</p>			
Sex	51 per cent of our population are women and 49 per cent are men (2021 Census).			

Sexual orientation	There is no precise local data on sexual orientation in Plymouth (awaiting 2021 Census data).			
---------------------------	---	--	--	--

SECTION FOUR: HUMAN RIGHTS IMPLICATIONS

Human Rights	Implications	Mitigation Actions	Timescale and responsible department

SECTION FIVE: OUR EQUALITY OBJECTIVES

Equality objectives	Implications	Mitigation Actions	Timescale and responsible department
Celebrate diversity and ensure that Plymouth is a welcoming city.			
Pay equality for women, and staff with disabilities in our workforce.			
Supporting our workforce through the implementation of Our People Strategy 2020 – 2024			
Supporting victims of hate crime so they feel confident to report incidents, and working with, and through our partner organisations to achieve positive outcomes.			
Plymouth is a city where people from different backgrounds get along well.			

This page is intentionally left blank